# LIBEL CASE
# (1940-1943)

**Olin R. Moyle**

**v.**

**Fred W. Franz, Nathan H. Knorr, Grant Suiter, Thomas J. Sullivan, William P. Heath, Jr., Hugo H. Reimer, William E. Van Amburgh, Arthur R. Goux, Charles A. Wise, Clayton J. Woodworth, Matthew A. Howlett, Watch Tower Bible and Tract Society**

[and] had also etched his face with grief and care". He stood up for the pope all right, "unconditional surrender" or not. You can judge whether he was standing up for America's commander-in-chief or was standing up for his own personal boss when he wrote this slobber:

No one understands more clearly than the pope the horror and the devastation of war, and of this war. No one suffers more poignantly, more deeply than he. He feels the sorrows of all. He sees the blood and the tears of all. He sees tremendous masses of men increasingly efficient in mutual massacre, increasingly enmeshed by tentacles of brutality and hate. He realizes that hate begets hate, that brutality spawns brutality and that revenge cries for revenge. The juggernaut of war crushes forward and backward over nations and peoples. Men aflame with savage goadings rush onward crashing other men aflame and thus the conflagration mounts, spreads, devastates and consumes.

The pope thinks, works, prays and literally dies for peace. He wishes the conquerors to be not only just with the conquered but also merciful. He knows full well that revenge is a bitter, gnawing thing. "All nations, great and small," he says, "have a right to live." He exhorts nations and their rulers to make their actions agree with their principles.

Well, how about Ethiopia? Did that have a right to live? And how about the smaller sects? Do they have a right to live? Pacelli's answer to the last question would have to be, "No."

## Libel Case Terminated

ALLEGING libel on the grounds of statements appearing in several issues of *The Watchtower* during 1939, suit was filed by Olin R. Moyle, of Wauwatosa, Wis., against the two corporate societies, Watch Tower Bible and Tract Society, of Pennsylvania, and Watchtower Bible and Tract Society, Inc., of New York; and, on the other cause of action, against J. F. Rutherford and eleven associates in the organization. Action for damages to the amount of $50,000 on each cause of action, or a combined total of $100,000, was commenced October 11, 1940. Less than two years thereafter the defendant J. F. Rutherford died, but the suit continued to be pushed.

This unique libel suit came up for trial before Judge Ughetta of the New York Supreme Court in Brooklyn's Supreme Court Building on May 10, 1943. After an extended trial continuing until May 27, the jury rendered a verdict, voting ten to two, against the defendants of the case and awarded the complainant Moyle $15,000 on each count, or a total of $30,000 damages. The presiding judge denied all motions by defense attorney for alternative ruling and decided in agreement with the jury's verdict.

Appeal was at once taken from this decision to the court's Appellate Division, Second Department. After due reargument by opposing attorneys before this court of five judges, followed by judicial deliberation, decision was rendered. It was three to two in affirmation of the judgment of the Supreme Court, but reducing the damages one-half, to $15,000.

According to due process of law, again the defendants took appeal from the decision, now to the state's highest court, the Court of Appeals at Albany, New York's capital. After due reargument and deliberation, this court of seven judges let their decision be known on November 22, 1944, affirming decision of the lower court, affixing the costs, but offering no opinion on the case.

Their decision being unanimous, and the defendants being unable to move for reargument of the case, the $15,000 damages was duly paid over, with interest accrued, to plaintiff Moyle, thus terminating the matter.

OLIN R. MOYLE Counselor
117 Adams Street. Brooklyn . New York
Telephone Triangle 5-1474
July 21, 1939
Judge J. F. Rutherford, Brooklyn, N. Y.

Dear Brother Rutherford:

This letter is to give you notice of our intention to leave Bethel on September 1st next. This reasons for leaving are stated herein and we ask that you give them careful and thoughtful consideration.

Conditions at Bethel are a matter of concern to all of the Lord's people. Nowhere among imperfect men can there be perfect freedom from oppression, discrimination and unfair treatment, but at the Lord's headquarters on earth conditions should be such that injustice would be reduced to the minimum. That is not the case here at Bethel and a protest should be made against it. I am in a good position to make such protest because your treatment of me has been generally kind, considerate and fair. I can make this protest in the interests of the Bethel family and of the Kingdom work without any personal interest entering into the matter.

**Treatment of Bethel Family.**

Shortly after coming to Bethel we were shocked to witness the spectacle of our brethren receiving what is designated as a "trimming" from you. The first, if memory serves me correct, was a tongue lashing given to C. J. Woodworth. Woodworth in a personal letter to you stated something to the effect that it would be serving the devil to continue using our present day calendar. For that he was humiliated, called a jackass, and given a public lambasting. Others have been similarly treated. McCaughey, McCormick, Knorr, Prosser, Price, Van Sipma, Ness and others have been similarly scolded. They have been publicly called to account, condemned, and reprimanded without any previous notice. This summer some of the most unfair public reproaches have been given. J. Y. McCauley asked a question which carried with it a criticism of the present method of Watch Tower study. For that he was severely reprimanded. Your action constituted a violation of the principle for which we are fighting, towit, freedom of speech. It was the action of a boss and not that of a fellow servant. Securing an efficient mode of study with imperfect study leaders is no easy task, and no method yet produced has proved to be one hundred per cent perfect. You stated that no complaints had come to you concerning this method of study. If that be the case you have not had all the facts presented to you. There is complaint in various places that the Watch Tower studies have degenerated into mere reading lessons. It maybe that the present method is the best that can be used, but in view of known limitations honest criticism should not be censored nor honest critics punished.

Brother Worsley received a public denunciation from you because he prepared and handed to brethren a list of helpful Scripture citations on fundamental topics. How can we consistently condemn religionists for being intolerant when you exercise intolerance against those who work with you? Doesn't this prove that the only freedom permitted at Bethel is freedom to do and say that which you wish to be said and done? The Lord certainly never authorized you to exercise such high handed authority over your fellow servants.

Since the Madison Square Garden meeting there has been a distressing condition of restraint and suspicion at Bethel. The ushers were placed in a tough spot but did an excellent piece of work. They exercised care and diligence in watching arrivals at the Garden, and prevented a number of suspicious characters from entering. They were on the job immediately when the disturbance started and quelled a disturbance which would have otherwise reached serious proportions. But for two weeks following the convention there has been constant criticism and condemnation of them from you. They have been charged with dereliction of duty and labeled as "sissies". To see some of these boys break down and cry because of your unkind remarks is, to say the least saddening.

The brethren at Bethel have thoroughly demonstrated their loyalty and devotion to the Lord, and do not need to be berated for wrong doing. A suggestion or a kindly admonition from you would be more than sufficient to check any wrongful action, and would eliminate resentment and induce greater happiness and comfort for the whole family. You have stated many times that there are no bosses in the Lord's organization but the undeniable fact cannot be evaded that your actions in scolding and upbraiding these boys are the actions of a boss. It makes one sick at heart and disgusted to listen to them. If you will cease smiting your fellow servants Bethel will be a happier place and the Kingdom work will prosper accordingly.

**Discrimination.**

We publish to the world that all in the Lord's organization are treated alike, and receive the same as far as this world's goods are concerned. You know that is not the case. The facts cannot be denied. Take for instance the difference between the accommodations furnished to you, and your personal attendants, compared with those furnished to some of your brethren. You have many many homes, towit, Bethel, Staten Island, California etc. I am informed that even at the Kingdom Farm one house is kept for your sole use during the short periods you spend there. and what do the brethren at the farm receive? Small rooms, unheated thru the bitter cold winter weather. They life in their trunks like campers. That may be all right if necessary, but there are many houses on the farm standing idle or used for other purposes, which could be used to give some comfort to those who work so long and so hard.

You work in a nice air conditioned room. You and your attendants spend a portion of the week in the quiet of country surroundings. The boys at the factory diligently work thru the hot summer months without such helps, or any effort made to give them. That is discrimination which should receive your thoughtful consideration.

**Marriage**

Here again is shown unequal and discriminatory treatment. One brother left Bethel some time ago for the purpose of getting married, and, so I am informed, was refused the privilege of pioneering in New York, apparently as an official disapproval of his action in leaving Bethel. On the other hand when Bonnie Boyd got married she didn't have to leave Bethel. She was permitted to bring her husband into Bethel in spite of the printed rule providing that both marrying parties should have lived there for five years.

Harsh treatment of one and favored treatment of another is discrimination, and should not have a place in the Lord's organization.

**Filthy and Vulgar Language.**

The Biblical injunctions against unclean, filthy speaking and jesting have never been abrogated. It is shocking and nauseating to hear vulgar speaking and smut at Bethel. It was stated by a sister that was one of the things you had to get used to at Bethel. The loudest laughter at the table comes when a filth or near filthy joke goes through, and your skirts are not clear.

**Liquor.**

Under your tutelage there has grown up a glorification of alcohol and condemnation of total abstinence which is unseemly. Whether a servant of Jehovah drinks alcoholic liquor is none of my business, except in giving a helping hand to a brother who is stumbled thereby. Whether I am a total abstainer is nobody's business but my own. But not so at Bethel. There appears to be a definite policy of breaking in new comers into the use of liquor, and resentment is shown against those who do not join them. The claim is made, "One can't be a real Bethelite without drinking beer." Shortly after we arrived it was arrogantly stated, "we can't do much with Moyle, but we'll make a man out of Peter." A New York brother intimated that I was out of harmony with the truth and with the Society because I didn't drink liquor. A New York sister stated that she had never used liquor or served it until some of the Bethel boys insisted upon it. A brother who used to drink liquor to excess became a total abstainer after getting the truth. He knew that a single drink of liquor would start him off to his former drinking habits, but in spite of that brethren from Bethel insisted upon his imbibing liquor and inferred that he was out of harmony with the organization through refusing. Total abstainers are looked upon with scorn as weaklings. You have publicly labeled total abstainers as prudes and therefore must assume your share of the responsibility for the Bacchus like attitude exhibited by members of the family.

These are a few of the things which should have no place in the Lord's organization. There are other more grievous injustices but I have had no personal contact with them and therefore do not discuss them.

It hasn't been an easy or pleasant task to write these things to you, and its still harder to make this protest effective by leaving Bethel.

We sold our home and business when we came to Bethel and fully intended to spend the rest of our lives at this place in the Lord's service. We leave in order to register most emphatically our disagreement with the unjust conditions related in this letter. We are not leaving the Lord's service but will continue to serve Him and His organization as fully as strength and means will allow.

Neither am I running away from battling the Devil's crowd in the courts. I expect to return to the private practice of law, probably in Milwaukee, Wisconsin, and hope to be in the fight in every way possible. With this letter I am enclosing a statement of the major cases now pending in which I am actively participating. It would be unreasonable and unfair to drop these matters into your lap without further assistance or consideration. I am ready and willing to press these issues

in the courts just as vigorously and carefully as though I remained at Bethel, and will do so if that is your desire.

We have considered this action for some time, but this letter is delivered to you just as we are leaving on a vacation trip for very specific reasons. First: It is desirable that you take time for thought and consideration of the matters herein set forth before taking any action. Hasty and ill considered action might be regrettable. Second: Frankly I have no desire for a verbal argument with you over these matters. I have had plenty of occasion to observe that a controversial matter does not receive a calm and reasoned discussion of the facts. Too often it turns into a denunciation of some person by you.

I am not interested in that kind of a wordy battle. These statements are the reasons presented by Sister Moyle and myself for leaving Bethel. If we speak erroneously or wrongfully we are responsible before the Lord for so speaking. If we speak truthfully, and we stoutly content that everything here related is the truth, then there is an immediate responsibility on your part to remedy the conditions necessitating this protest. May the Lord direct and guide you into fair and kindly treatment of your fellow servants is my with and prayer.

Your Brother in the Kings service,

**Olin R. Moyle.**

P.S. Should you desire to write to me concerning these matters during vacation a letter will reach me at Ticonderoga, New York, General Delivery after July 29th.

**Taken from pp. 1975-1984 of *Moyle vs. Franz et al*.**

**Defendants Exhibit D-36**

**Brooklyn, N.Y., August 8, 1939**

**Minutes of the joint meeting of the Boards of Directors of The Watch Tower Bible and Tract Society, the Pennsylvania Corporation, and The Watchtower Bible and Tract Society, Inc., of New York, on this 8th day of August, A.D. 1939, at a meeting of the Boards of Directors of the aforementioned Corporations there were present all the members of the Boards, to wit:**

**J.F. Rutherford**
**C.A. Wise**
**W.E. Van Amburgh**
**T.J. Sullivan**
**C.J. Woodworth**
**H.H. Riemer**
**F.W. Franz**
**W.P. Heath, Jr.**
**Grant Suiter**
**A.R. Goux**
**N.H. Knorr**

**The President reported to the Boards of Directors a letter which he had received, addressed to him by O.R. Moyle who for some time past has acted as legal counsel for the Corporations. Thereupon the letter was read before the Boards, and which letter is marked "Exhibit A" and made a part of this record and filed amongst the papers of this Corporation. Upon the reading of the letter a motion was made by T. J. Sullivan that a committee be appointed to consider the letter and make recommendations to the President. This motion was duly carried. Thereupon the President appointed such a committee composed of T.J. Sullivan, H.H. Riemer, and Grant Suiter. The committee retired to consider the letter. After due consideration the committee unanimously reported a resolution which in words and figures is as follows, to wit:**

**"At a joint meeting of the Boards of Directors of the Pennsylvania Corporation, and the New York Corporation of the Watch Tower Bible & Tract Society held at the office of the Society at Brooklyn, New York this 8th day of August 1939 at which other members of the family were present, there was read to said Boards and in the presence of O.R. Moyle a letter dated July 21, 1939 written by said Moyle and addressed to the President of the Society.**

**"For four years past the writer of that letter has been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family of God at Bethel, and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Corinthians 4:3; Romans 14:4.**

**"The members of the Board of Directors hereby resent the unjust criticisms appearing in that letter, disapprove of the writer and his notions and recommends that the President of the Society immediately terminate the relationship of O.R. Moyle to the Society as legal counsel and as a member of the Bethel Family.**

**"(signed)**

**T.J. Sullivan**
**H.H. Riemer**
**Grant Suiter"**

**A motion was made that the Resolution be adopted. The motion being duly seconded, the letter and the Resolution were discussed at length by each member of the Board. O.R. Moyle, being also present at this meeting, was invited by the President to make any statement he had or to make any defense he desired to make and his only statement was this, to wit: "I have nothing more to say. The letter speaks for itself." Thereupon the name of each member of the Board was called and each one voted to adopt the Resolution. Upon the adoption of the Resolution, the President made the following remarks, which are here inserted in the record, to wit:**

**"I have been at this desk for 22 years. I have had many accusations from the 'evil servant', but never had I had a worse one than this, if as bad. The complaint about me having different places in which to reside is the very language of the evil servant class. The accusations made in this letter that I have many places in which to live, and which are much better than any other members of the organization: The facts concerning this have been published time and again and the brethren everywhere know the facts, and they know that I do not own a foot of land under the sun; that those provisions have been made to further the kingdom interests, and, as stated in the book SALVATION, I wanted something as a tangible record and as evidence that we believe that God is going to bring back to the earth the faithful men of old. The Farm was bought for the support of this Family, and for other good reasons which I have not yet disclosed, but which are in the interest of the kingdom. As Brother Knorr has stated, this office was arranged for me, I had nothing to do with arranging it, but it was done by Brothers Martin, Knorr, Wise and Van Amburgh.**

**"I have been criticized in this letter for having an air-conditioned room. Brother Van Amburgh will bear witness to this, that my office is the hottest room in this building, right under the roof and difficult therein to get good air. An air-conditioned arrangement was put into Brother Van Amburgh's office first, and he is the one that came to me and begged me to put it into my office. The Society did not pay a dime of the cost. (Brother Van Amburgh verified this.) I think the criticism about that is a cold-blooded cruelty, no matter whom it comes from. If it enables me to work, why should somebody criticize except one who has the spirit of the evil servant.**

**"REBUKES: Every rebuke I have administered has been given, as I believe, in the interest of the Society. The Apostle Paul was the special spokesman of the Lord Jesus Christ. As the WATCHTOWER has stated, Timothy and Titus pictured the Society and as the Lord through Paul instructed them so the Lord through the Society instructs and directs others. The Society speaks by its official Head. To Timothy Paul said: 'They that sin rebuke before all, that others also may fear.' (1 Tim. 5:20) Concerning one who had taken a wrongful course Paul instructed Titus in these words: 'This witness is true, wherefore rebuke them sharply that they may be sound in the faith.' (Titus 1:13) Again, he said: 'These things speak, and exhort, and rebuke with all authority. Let no man despise thee.' (Titus 2:15) As I have often stated to some of the brethren, it hurts me far more to administer a rebuke than it does the one who receives it. If I see something in the organization going wrong, as I believe, then I would be unfaithful to the Lord if I did not rebuke such wrongdoer.**

**"I have tried to proceed according to the rule announced by the apostle, which is God's rule, that is to say: 'Whom the Lord loves he rebukes.' (Heb. 12:6) If every person is permitted to take his own course the organization would go to pieces. One who believes in the Theocratic government, and that Jehovah therefore is directing his people, must see that it is the proper course for the Society to arrange a system of study. Then if every person should be permitted to bring forth and adopt his own method of study that would mean acting contrary to the Lord's instructions. Rebukes are therefore necessary to bring such matters to the attention of others that they too may fear to go contrary to the Lord's arrangement.**

**"DISCRIMINATION: I have made no discrimination with reference to marriage. When Bonnie Boyd got married that was her business. It was my business to determine whether or not she should remain in the house. I either had to let her husband remain here or else dispense with her services. She has been my secretary for fifteen years and the most efficient one that I have had in the office. She has taken dictation for everything I**

**have written, speeches, magazine articles, Watchtower, books and booklets. It was for me to determine whether she should remain in the office and I did determine that she should and that was my affair and my responsibility, and not that of someone else.**

**"FILTHY LANGUAGE: If others in this house use it, that is their responsibility. The statement that filthy jokes are told at the table and that the family laughs at these and these only, is a damnable outrage and any man that says that such is the case is a deliberate liar regardless of who he is and from whence he comes.**

**"LIQUOR: This charge is vicious. I have always been open and aboveboard about such matter. Brother Van Amburgh was once a prohibitionist. Upon the doctor's advice he takes some intoxicating liquor and I help him to get it. Brother Wise has stated from three doctors he has been advised to drink beer. I have furnished liquor to Brother and Sister Sullivan, especially her when she was ill, and to others in the house. That is my business and my responsibility. (Speaking directly to Moyle) You denounce me as the 'god of wine', which is the meaning of Bacchus, which is the word you use. You had to go to mythology and not to the Scriptures and find this name for me. Mythology proceeds from the Devil and other wicked spirits. Jesus made wine, the apostle advised that it be taken in moderation and you are welcome to compare their statements to that of the evil spirits, if you wish. If your statement is not of the evil servant then I am not able to understand it. In this connection your charge against the family is vicious and false and shows that it proceeds from the spirit of the wicked one and is a damnable thing.**

**"Now, I say this to you, Moyle, you have allied yourself with the Devil; you have willingly, without any just cause or excuse even, withdrawn yourself from the Lord's organization, and you are going back to the Devil's organization to engage in the practice of law. I have never known any man to withdraw from the Lord's organization and go into the Devil's organization, that ended up right. When you say you want to continue to fight for the Lord, there is not a person in this presence that believes a word of that. Henceforth you shall never represent the Watchtower by my consent. This Resolution has been adopted. I shall follow it. You have served notice to leave September 1. You need not wait but move out of the house this day. If you wish to join the enemy and fight, do so. I have no use for a quitter. You are a quitter. You have furnished as an excuse that the president of this organization has not conducted the Society according to your ideas, and I don't think your ideas are Scriptural. In the 4 years that you have been here, I have never heard you ask or answer a single Bible question in the Bethel home. Any man that pretends to be of the Lord's organization, and who does not attend the studies and does not engage in the spiritual discussion in this home, but who devotes himself to his**

**general work, and then goes about talking with others to cause discord and to find fault with the organization, cannot be in the truth. I shall read this letter to the family or have it read. You may be present; if you wish to defend yourself. Henceforth I shall expect you to ally yourself with those who oppose the Society as long as I am here."**

**MOYLE: "I don't expect to ally myself with any opposition."**

**BRO. RUTHERFORD: "You complain about accommodations. You have the best room in the house aside from my own. What business is it of yours what somebody else has? That is not your business. You have gone to the Farm and talked to Brother Bogard's wife about conditions there. That is none of your business. If there was something wrong there you should have reported it to me. You have never reported it to me. If you were a real confidential servant of the Lord, and of this Society, you would have reported such things, but you did not.**

**"Quoting from the Apostle Paul in substance, your criticism of me is a small thing. I care nothing about that. The apostle said: 'Moreover it is required in stewards that a man be faithful, but with me it is a very small thing that I should be judged of you, or of man's judgment....He that judges me is the Lord.' --1 Cor. 4:3, 4.**

**"If everything that you have stated in this letter were true, that is no excuse for what you have done. 'Who art thou that judgeth another man's servant? To his own master he standeth or falleth.'--Romans 14:4.**

**"Your difficulty, Moyle, is fear, probably not that you might receive some bodily injury, but fear you won't be approved of men and have it said you are a good fellow. In my opinion you are a religionist and not a Christian."**

**BROTHER HEATH: "Moyle, I wish to propound to you this question: Are you a Jesuit?"**

**MOYLE: "Absolutely no, a thousand miles from it."**

**BROTHER RUTHERFORD: "You might explain, Moyle, why you were so familiar in the court with McDonald, patting him on the back, when you knew that he was one of the leaders in the assault on the Lord's organization at Madison Square Garden. Had you performed your duty to our brethren the situation would have been far better for us now in the fight with the enemy who attempted to break up the Madison Square Garden meeting.**

**"TO THE BOARD OF DIRECTORS: Now, brethren, your advise and this Resolution is adopted and will be carried out."**

**The President thereupon ordered that said Moyle should be discharged as legal counsel for the Corporation and, in harmony with the Resolution, immediately terminated his relationship to the Society.**

**There being no further business, upon motion the joint meeting adjourned.**

**W.E. Van Amburgh**
**Sec'y**

fact to the world in order that persons of good will toward God will flee out of Satan's organization and find protection under the Lord and ultimately gain life everlasting. Those who perform their commission faithfully will have a part in the vindication of Jehovah's name, and, in doing that work in obedience to the Lord's commandment, they have entered into the joy of Christ Jesus, their Lord and Head.

[81] Never before were creatures granted such a privilege. Never again will creatures have a like privilege. Before them they see the kingdom, the Theocracy that shall forever rule in righteousness. They are blind to everything else, because the kingdom, to them, is everything. The remnant know that they must die as humans in order to enter fully into God's spiritual house. They are therefore fully determined to spend and be spent wholly in the service of Jehovah and his King. They are now joyful, and their joy will be complete when they have seen the Lord's victory at Armageddon.

[82] Seeing and appreciating their relationship with the Most High, surely the faithful remnant will permit nothing to deter them in their continuous service to Jehovah. They will go on in faith and with ever-increasing courage unto the end. Now they know the meaning of the scripture, to wit, "Jehovah dwelleth in Zion." (Joel 3:21, *A.R.V.*; Ps. 132:13, 14) Now the remnant have raised the song of joy, which will never end. To them the Lord says: "Sing and rejoice, O daughter of Zion; for, lo, I come, and I will dwell in the midst of thee, saith the Lord. And many nations shall be joined to the Lord in that day, and shall be my people: and I will dwell in the midst of thee; and thou shalt know that the Lord of hosts hath sent me unto thee. And the Lord shall inherit Judah his portion in the holy land, and shall choose Jerusalem again. Be silent, O all flesh, before the Lord; for he is raised up out of his holy habitation." (Zech. 2:10-13) "Behold, I, and the children whom the Lord hath given me, are for signs and for wonders in Israel from the Lord of hosts, which dwelleth in mount Zion." (Isa. 8:18) The end of religion is in sight. The victory and vindication of Jehovah is near. The joy of the remnant and their companions increases, and they continue to sing the praises of the Most High.

*Praise ye Jehovah. . . . The works of Jehovah are great, sought out of all them that have pleasure therein. His work is honor and majesty; and his righteousness endureth for ever. He hath made his wonderful works to be remembered: . . . He hath showed his people the power of his works, in giving them the heritage of the nations. The works of his hands are truth and justice; all his precepts are sure. . . . Holy and reverend is his name. The fear of Jehovah is the beginning of wisdom; a good understanding have all they that do his commandments: his praise endureth for ever.*
—Psalm 111:1-10, *A.R.V.*

## INFORMATION

BEING reminded that this is the time when God is removing from his organization everything that can be shaken, "that those things which cannot be shaken may remain" (Heb. 12:26, 27), the members of the board of directors of the WATCHTOWER BIBLE AND TRACT SOCIETY, for the information and protection of those who are devoted to God's organization, request that *The Watchtower* publish what follows:

On the 21st of July, 1939, a paper writing in the form of a letter, signed by O. R. Moyle, was left at the desk in the lobby of the Bethel home addressed to the president of the Society. Because that paper involved the entire family at Bethel, it was properly brought before the board and before the family. The letter, being filled with false, slanderous and libelous statements, was vigorously condemned by the board, and by all the members of the Bethel family. The board unanimously adopted the following Resolution, which was also approved by the family:

"At a joint meeting of the boards of directors of the Pennsylvania corporation and the New York corporation of the WATCHTOWER BIBLE AND TRACT SOCIETY held at the office of the Society at Brooklyn, N.Y., this 8th day of August, 1939, at which other members of the family were present, there was read to said boards and in the presence of O. R. Moyle a letter dated July 21, 1939, written by said Moyle and addressed to the president of the Society.

"For four years past the writer of that letter has been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family of God at Bethel, and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Cor. 4:3; Rom. 14:4)

"The members of the board of directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and his actions, and recommend that the president of the Society immediately terminate the relationship of O. R. Moyle to the Society as legal counsel and as a member of the Bethel family."

Aside from the introductory paragraph announcing the writer's purpose to leave Bethel at a fixed time, every paragraph of that letter is false, filled with lies, and is a wicked slander and libel not only against the president but against the entire family, and for that reason the letter has not been published by the Society. He requested *Consolation* to publish his letter, and Moyle, being refused, now causes his

libelous paper to be published and circulated among certain companies of the consecrated, causing the same to be publicly read, and then by his own words, which may be called 'fair speech', he pretends to be in harmony with the Society, and thus further deceives the unsuspecting ones. His only possible purpose in further publishing his letter is to justify himself and to 'cause division among the brethren', both of which are condemned by the Word of God. (Luke 16:15; Rom. 16:17, 18) For this reason the brethren should be warned. "The afore-mentioned letter" being filled with lies leveled against the brethren, the same is hated by Jehovah: "Six things doth the Lord hate; yea, seven are an abomination unto him: . . . a false witness that speaketh lies, and he that soweth discord among brethren."—Prov. 6:16-19.

By inducing others to join with him in the circulation and publication of his slanderous letter among the consecrated he makes others party to his wrong. The slanderous paper, being in opposition and against the interest of the Theocratic government, is pleasing only to the Devil and his earthly agents.

For four years Moyle was entrusted with the confidential matters of the Society, and then, without excuse, he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters, and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord. He who maligns the brethren of the Lord maligns the Lord himself, and the end of such the Scriptures plainly point out. Having been warned, each one must choose to join the "evil servant" and take the consequences (Matt. 24:48-51) or remain faithful to Jehovah and his government by Christ Jesus. Choose whom you will serve.

Fred W. Franz
N. H. Knorr
Grant Suiter
J. F. Sullivan
W. P. Hazatt, Jr.
W. Klumpp
W. Van Amburgh
M. L. Herr
C. A. Hein
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Approved for publication
J. F. Rutherford

## WHO INTERPRETS THE BIBLE?

MAN has a natural tendency to keep a record of events for his benefit and that of succeeding generations. This is proof that the Creator purposed it thus to be. God planted this faculty in man. Man is the highest of God's earthly creation; and since man has a tendency to keep a record of events, it is only reasonable that his Maker would provide a means for man to keep a record of the most important things concerning himself. If Jehovah God had to do with the keeping of such a record, then be it known that that record is correct and contains the truth.

The Bible is a history of God's creation of things earthly, and also gives such information concerning his heavenly creation as relates to man and man's home. The Bible is God's revelation of himself to his intelligent earthly creatures. It is his expressed will, and therefore is the statement of his law for the government of his intelligent earthly creatures. Most of the Bible is a record of things which have taken place, but which foreshadow greater things to come. As the inspired Bible writer states it, at 1 Corinthians 10:6, 11: "Now these things were our examples, . . . Now all these things happened unto them for ensamples: and they are written for our admonition, upon whom the ends of the world are come." That part of the Bible which we call prophecy is the foretelling and recording of events that must come to pass, before they actually do come to pass. Prophecy is therefore the history of man written in advance. For this reason prophecy cannot be understood by man until it is in the course of fulfillment or has been fulfilled.

The writers of the Bible God chose to do the writing because of their faith in him and their faithfulness to him. As his unlimited power operated to create the things of the earth, so that power or spirit operated to direct and influence the mind of Moses and other holy men to make record of God's will concerning man. King David was one of these faithful men devoted to the Lord, and concerning that part of the Bible which he wrote he said: "The spirit of the Lord spake by me, and his word was in my tongue." (2 Sam. 23:2) These faithful men of old are called "prophets", and they wrote prophecy. The apostle Peter, who was chosen by Jesus as one of his apostles, under inspiration wrote, at 2 Peter 1:19-21: "We have also a more sure word of prophecy; whereunto ye do well that ye take heed, as unto a light that shineth in a dark place, until the day dawn, and the day star arise in your hearts: knowing this first, that no prophecy of the scripture is of any private interpretation. For the prophecy came not in old time by the will of man: but holy men of God spake as they were moved by the holy [spirit]."

Jehovah reveals himself and his purpose to his people in his own due time. His prophecy, therefore, cannot be understood until it is God's due time for understanding it. This was plainly stated to the prophet Daniel, who writes: "And I heard [the prophecy by the angel], but I understood not; then said I, O my Lord, what shall be the end of these things? And he said, Go thy way, Daniel; for the words are closed up and sealed till the time of the end." "But thou, O Daniel, shut up the words, and seal the book, even to the time of the end; many shall run to and fro, and knowledge shall be increased." (Dan. 12:8, 9, 4) For a long while students of prophecy have limited the fulfillment of these words last quoted to travel by man up and down through the earth by means of rapid transit machines, such as locomotives, steamships, automobiles, airplanes, and other like means; and also to the great increase of knowledge relating

# The WATCHTOWER

PUBLISHED SEMIMONTHLY BY

WATCH TOWER BIBLE & TRACT SOCIETY

117 Adams Street - - Brooklyn, N.Y., U.S.A.

OFFICERS

J. F. RUTHERFORD, *President* W. E. VAN AMBURGH, *Secretary*


"And all thy children shall be taught of Jehovah; and great shall be the peace of thy children." - *Isaiah 54:13.*

## THE SCRIPTURES CLEARLY TEACH

THAT JEHOVAH is the only true God, is from everlasting to everlasting, the Maker of heaven and earth and the Giver of life to his creatures; that the Logos was the beginning of his creation, and his active agent in the creation of all things; that the Logos is now the Lord Jesus Christ in glory, clothed with all power in heaven and earth, and the Chief Executive Officer of Jehovah.

THAT GOD created the earth for man, created perfect man for the earth and placed him upon it; that man willfully disobeyed God's law and was sentenced to death; that by reason of Adam's wrong act all men are born sinners and without the right to life.

THAT JESUS was made human, and the man Jesus suffered death in order to produce the ransom or redemptive price for obedient ones of mankind; that God raised up Jesus divine and exalted him to heaven above every creature and above every name and clothed him with all power and authority.

THAT JEHOVAH'S ORGANIZATION is a Theocracy called Zion, and that Christ Jesus is the Chief Officer thereof and is the rightful King of the world; that the anointed and faithful followers of Christ Jesus are children of Zion, members of Jehovah's organization, and are his witnesses whose duty and privilege it is to testify to the supremacy of Jehovah, declare his purposes toward mankind as expressed in the Bible, and to bear the fruits of the kingdom before all who will hear.

THAT THE WORLD has ended, and the Lord Jesus Christ has been placed by Jehovah upon his throne of authority, has ousted Satan from heaven and is proceeding to the establishment of God's kingdom on earth.

THAT THE RELIEF and blessings of the peoples of earth can come only by and through Jehovah's kingdom under Christ, which has now begun; that the Lord's next great act is the destruction of Satan's organization and the establishment of righteousness in the earth, and that under the kingdom the people of good will that survive Armageddon shall carry out the divine mandate to "fill the earth" with a righteous race.

## ITS MISSION

THIS journal is published for the purpose of enabling the people to know Jehovah God and his purposes as expressed in the Bible. It publishes Bible instruction specifically designed to aid Jehovah's witnesses and all people of good will. It arranges systematic Bible study for its readers and the Society supplies other literature to aid in such studies. It publishes suitable material for radio broadcasting and for other means of public instruction in the Scriptures.

It adheres strictly to the Bible as authority for its utterances. It is entirely free and separate from all religion, parties, sects or other worldly organizations. It is wholly and without reservation for the kingdom of Jehovah God under Christ his beloved King. It is not dogmatic, but invites careful and critical examination of its contents in the light of the Scriptures. It does not indulge in controversy, and its columns are not open to personalities.


YEARLY SUBSCRIPTION PRICE

UNITED STATES, $1.00; CANADA AND MISCELLANEOUS FOREIGN, $1.50; GREAT BRITAIN, AUSTRALASIA, AND SOUTH AFRICA, 6s. American remittances should be made by Postal or Express Money Order or by Bank Draft. Canadian, British, South African and Australasian remittances should be made direct to the respective branch offices. Remittances from countries other than those mentioned may be made to the Brooklyn office, but by *International* Postal Money Order only.

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| *Canadian* | 40 Irwin Avenue, Toronto 5, Ontario, Canada |
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Please address the Society in every case.

*(Translations of this journal appear in several languages.)*


All sincere students of the Bible who by reason of infirmity, poverty or adversity are unable to pay the subscription price may have *The Watchtower* free upon written application to the publishers, made once each year, stating the reason for so requesting it. We are glad to thus aid the needy, but the written application once each year is required by the postal regulations.

*Notice to Subscribers:* Acknowledgment of a new or a renewal subscription will be sent only when requested. Change of address, when requested, may be expected to appear on address label within one month. A renewal blank (carrying notice of expiration) will be sent with the journal one month before the subscription expires.


*Entered as second-class matter at the post office at Brooklyn, N. Y., under the Act of March 3, 1879.*


## "THEOCRACY" TESTIMONY PERIOD

The month of October begins a new service year and has been named "Theocracy" Testimony Period. The great Theocrat's provision for field service then is the book *Salvation* together with the new booklet *Government and Peace*, first to be released for distribution beginning with October. This combination of literature will be offered on a 25c contribution or corresponding value in other English-speaking lands. This Period is to be world-wide, and those lands not yet having translations of the above in their native language will offer a like combination of the latest book and booklet, *Enemies* or *Riches* along with *Fascism or Freedom* or *Face the Facts*. This announcement should suffice to start you to plan and prepare for an unstinted share in this Theocratic testimony. Your faithful report of work will help to make up an accurate world record.

## "GOVERNMENT AND PEACE"

Honest hearers of the two speeches by the Society's president to the world convention and radio audience from New York city have been anticipating this new booklet, for it contains his rousing, Convention-feature speeches "Government and Peace" and "Victory". Millions of others of good will also will be eager to read this booklet. It is of 64 pages, and is self-covered, but the unusual cover sets forth pictorially the circumstances of the Madison Square Garden public address. Time of release for public distribution is stated elsewhere. Your personal copy you may now send for, remitting 5c contribution.

## FOR YOUR INFORMATION

By reason of his unfaithfulness to the kingdom interests, and to those who serve the kingdom, O. R. Moyle is no longer with the Society. The full board of directors of the Society on August 8, by Resolution, unanimously demanded that the president sever Moyle's connection with the Society immediately. It was done. Brethren will address their communications concerning their legal difficulties: WATCHTOWER BIBLE AND TRACT SOCIETY, Legal Desk, 117 Adams St., Brooklyn, N. Y.

## "SALVATION"

This new book, written by the president of the Society, was the feature release at the recent world-wide convention of Jehovah's witnesses with its hub at New York City. The author of this book for the times describes it as "A text-book for the Jonadabs". But a study of its 384 pages of contents will prove to you it is


*(Continued on page 271)*

ye terrified because of them." Gog, who is Satan's invisible field marshal, has brought into the conspiracy all of his forces, and these are directing their efforts against Jehovah's "hidden ones" (Ps. 83:3); but those who trust Jehovah implicitly need not and will not fear. (Pss. 27:1; 118:6; Zeph. 3:16; Heb. 13:6; 1 John 4:17, 18) Therefore the remnant in this day of judgment are bold in declaring the message of the kingdom and will continue so to do regardless of all opposition.

Prior to 1918 Jehovah caused the truth then due to be proclaimed on earth, and "Christendom" had an opportunity to know about the kingdom of God under Christ. While that work, the "Elijah work", as it is called, was thus being done, and particularly in the year 1918, the Lord's faithful people were ill-treated by "Christendom". Among God's covenant people in that time there were the "elective elders" who, like the "rich man", failed to serve God, and because of their unfaithfulness it became necessary to clear these out that the approved ones might be prepared for God's purposes. "For thus saith the Lord of hosts, As I thought to punish you, when your fathers provoked me to wrath, saith the Lord of hosts, and I repented not." (Zech. 8:14) The Lord did not repent, but has done the purging work that he may have a company who will "offer unto [him] an offering in righteousness". (Mal. 3:1-4; Ezek. 20:35-38) Judgment must begin at the house of God and continue until God's sanctuary is cleansed, and then lawlessness against God shall have an end.—1 Pet. 4:17; Ezek. 21:24, 25.

From and after 1922, and more particularly since 1926, Jehovah has prospered his "faithful servant" class. Jehovah foretold this in these words (Zech. 8:15): "So again have I thought in these days to do well unto Jerusalem, and to the house of Judah; fear ye not." This Jehovah has done because it is the time for the vindication of his name, and not because the remnant deserved the blessing. (Ezek. 36:21-23) The "man child" having been born by his "woman" in A.D. 1914 (Rev. 12:1-5), meaning the Kingdom having begun there, it is the "set time" to favor Zion, his capital organization, and to honor and vindicate Jehovah's name. This he will do by his kingdom under Christ. —Ps. 102:13; Isa. 63:4.

# LETTERS

### RESOLUTION

The company of Jehovah's witnesses at Rio de Janeiro recently unanimously adopted the following resolution defining their stand for the Theocracy:

"We, Jehovah's witnesses organized and assembled in the company of Rio de Janeiro, in view of the notice of the execution by a firing squad of August Dieckmann for refusing to go to the front in the war between Germany and Poland, present through the president of the Society, J. F. Rutherford, our votes of full accord with the brethren who are faithful in Germany, on the side of Jehovah God, asking his protection for all who are bearing with dignity the perils to which we are at all times subjected, in order that we may hold in the highest place the name of the Almighty God, through Christ Jesus, and thus maintain our integrity to him, obeying faithfully his commandments."

### JEHOVAH HAS LED AND BLESSED

DEAR BROTHER RUTHERFORD:

At the united service meeting of the Greater Glasgow company of Jehovah's witnesses it was unanimously agreed that we send to you once again an expression of our fervent love in the Lord, and our deep appreciation of the way in which Jehovah has led and blessed us through you in the year which has just passed.

Though the war clouds continue to hang ominously over us, and many of the brothers are likely to be haled before tribunals as conscientious objectors shortly, yet the zeal and loyalty of all the brethren has not diminished, but rather increased, as a result of these conditions. We find the people as a whole more receptive of the message and our numbers continue to increase. What with this and the fact that, though the nation is at war, we are still able to continue almost unrestricted in our privileges of service, we realize that, though there is indeed on the earth "distress of nations with perplexity", yet we can now 'look up and lift up our heads and rejoice, for our redemption draweth nigh'.

We appreciate that Armageddon is very near, and we are determined by Jehovah's grace to stand shoulder to shoulder with you and to continue steadfastly in his service right to the end.

We render thanks to the Lord for the rich feasts of fat things coming to us through the columns of *The Watchtower*, and we pray that he may continue to bless you as you keep pressing the battle to the gates of the enemy.

### IN FULL HARMONY

(The following is from the son of O. R. Moyle)

DEAR BROTHER RUTHERFORD:

On August 8, 1939, when the Bethel family was asked to express their disapproval of the letter of O. R. Moyle, I expressed my approval by remaining seated. After prayerful and Scriptural consideration of the matter I am now of the opinion that my action was wrong.

I wish to state that I am in full harmony with the Theocracy of Jehovah and I recognize the Society as the visible part. I desire to co-operate to the best of my ability and opportunity.

Yours in the Kingdom interests,

PETER O. MOYLE.

(*Continued from page 370*)

lecture record on any particular subject of vital interest today. There are 64 pages of material, enclosed in a sturdy cover, and the booklet will be supplied on your contribution of 5c a copy. Those in organized companies should send in their orders in combination through the local company servant.

### 1940 CALENDAR

The 1940 *Calendar* sets out the text for the new calendar year, to wit: "My heart shall rejoice in thy salvation." (Psalm 13:5) A beautiful color illustration, specially painted, harmonizes with the theme of the text, and its portrayal of what is impending will gladden your heart. Neat calendar pads indicate the special Testimony Periods of the year and the special lines of endeavor of the other months of activity in publishing the Kingdom gospel. Calendars, of which the supply is limited, will be sent on order, remittance accompanying, at 25c each, or $1.00 for five sent to one address. Companies will please order through their company servants.

### "WATCHTOWER" STUDIES

Week of January 21: "Lazarus Comforted,"
¶ 1-24 inclusive, *The Watchtower* December 15, 1939.
Week of January 28: "Lazarus Comforted,"
¶ 25-55 inclusive, *The Watchtower* December 15, 1939.

Now that government "upon his shoulder" is functioning! (Isaiah 9:6, 7) Now the publishers of the Kingdom joyfully and incessantly announce God's judgments already written in the Bible against the "man of sin", against "Christendom", her rulers, and chief men, and against all who have defamed the name of the Most High. Fearlessly and clearly they sound the warning of the great tribulation just ahead for all that dwell upon the face of the whole earth, and they make known how some may be shielded and protected and carried through that greatest of all calamities, in which the power of the Eternal One shall be shown in "his strange act".

*Oh sing unto Jehovah a new song: sing unto Jehovah, all the earth. Let the heavens be glad, and let the earth rejoice . . . before Jehovah; . . . for he cometh to judge the earth: he will judge the world with righteousness, and the peoples with his truth.*
—Psalm 96:1, 11, 13, *A.R.V.*

# LETTERS

### RESOLUTION

DEAR BRETHREN:

We, the Jefferson [Wis.] company of Jehovah's witnesses, acknowledge Jehovah God as the great Theocrat, that his organization is a theocracy, and that Christ Jesus is the Chief Officer thereof.

We are in full accord with Jehovah's Word, the Bible, and his explanation of the Bible which he is now revealing to us through his earthly channel, the WATCH TOWER, and realize it is our duty as his chosen servants to work together shoulder to shoulder in proclaiming his Kingdom message.

We resolve to let nothing hinder us in carrying out Jehovah's will, and will work together in unity under the direction of the Theocracy, with the hope and full assurance that we shall have Jehovah's approval and blessing.

### DECLARATION

DEAR BRETHREN:

We of the Waupun [Wis.] company do hereby declare that we are wholly devoted to Jehovah's Theocracy under Christ;

That we absolutely refuse to consider the malicious letters which those of the "evil servant" class have been circulating among the brethren, seeking self-justification and sympathy;

That we will not co-operate with that class who oppose Jehovah's Theocratic Government under Christ.

### THE CHANNEL THE LORD IS USING

DEAR BROTHER RUTHERFORD AND ALL THE BETHEL FAMILY:

Having read the article "Information" in the October 15 issue of *The Watchtower*, we wish to express our disapproval of the things done by O. R. Moyle against the family at Bethel.

We do not know the contents of the letter written by Mr. Moyle, nor do we care to know. It is enough for us that our great God, JEHOVAH, is pleased to use you all in his service, and is showering you with blessings.

We believe that the Society is the channel the Lord is using to carry on his Kingdom interests in earth at this time, and that our brethren at Bethel are being spent in that service.

We never listen to accusations against Brother Rutherford or any faithful servant of God who is performing his given service in the Theocratic Government; for to do so would be disobedient and dangerous to ourselves. All of the faithful, having been warned, would do well to be on their guard against the wiles of those "wild waves of the sea, . . . for whom the blackness of darkness hath been reserved for ever". (Jude 13, *A R V*) These do not discern the body, but, as Jude says, 'show respect of persons for the sake of advantage.'—Jude 16.

Owing to force of circumstances while I am still 'tent making' we are seldom where there is a company of servants We know that the faithful all over the earth will hasten to stand openly on the side of our brethren at Bethel, and against all wicked accusers We, also, wish to be found fighting shoulder to shoulder with our brethren, and to let it be known that, by Jehovah's grace, we shall ever be found standing for Jehovah God, his King Christ Jesus, the Kingdom, and all who faithfully serve that kingdom.

With much love, we remain,

Your brethren and fellow locusts,

GRANVILLE E FISKE,
GRACE FISKE, *Pioneer.*

### RESOLUTION

DEAR BROTHER RUTHERFORD:

The brethren of the North unit [of Chicago, Ill., company] of Jehovah's witnesses have unanimously adopted the following resolution:

"We, Jehovah's witnesses of the North unit will be on the alert for any information from the enemy in relation to the things Brother Howlett brought to our attention Sunday, October 1, 1939, relative to O. R. Moyle. We are one hundred percent back of you in the Theocratic Government, pushing forward to publish the Kingdom as commanded by the Almighty God through his Vindicator King Christ Jesus."

### IN HARMONY WITH ACTION TAKEN

We, the Racine [Wis.] company of Jehovah's witnesses, wish to express our disapproval of the actions of O R Moyle against the Society and its president. We do hereby acknowledge the WATCH TOWER SOCIETY as the visible channel of Jehovah's Theocratic Government, and we are in complete harmony with the action taken by the board of directors. We are thankful to the Society for sending Brother Howlett in our midst to explain the matter, which he did so well.

(*Continued from page 194*)

dates will be July 24-28 inclusive. Announcement is made in advance in order that Jehovah's witnesses and all people of good will may have ample opportunity to arrange their affairs so as to be at Columbus, Ohio, or other cities tied in by direct wire communication and loud-speaker equipment. By the Lord's grace, the president of the Watchtower Society will be in attendance in person at the key assembly in Columbus. For further details see *The Watchtower*, issues of June 1 and 15, 1940.

### ADDRESS INFORMATION NOT APPEARING IN PREVIOUS ISSUE

Beaumont, Texas: (Watchtower Convention Committee) (9292) 1355 Cottonwood St.

Burlington, Vt.: (WCC) Box 75, Shelburne, Vt.

Duluth, Minn.: (WCC) Box 2, New Duluth, Minn. (Douglas 510-W)

El Paso, Texas: (WCC) 3020 Tularosa St. (MAin 5407)

Memphis, Tenn.. 4 p.m. [CDST]

report on the vitally important speech on "Integrity" by Judge Rutherford, and by its untrue personal slaps at the speaker. A swift and deserved retribution and judgment came: at five o'clock this evening there was released for circulation among the people of St. Louis the printed copy of what the speaker actually did say in his speech. The August 15 issue of *The Watchtower* contained the full text of the speech, and now thousands of copies of this issue were made available to magazine distributors to put out immediately. This unexpected chance to return the fire of the enemy thrilled God's people, and forth they went with this new ammunition with boiling zeal, and shortly the entire supply of all magazines was exhausted. The pro-Catholic *Globe Democrat* of St Louis spoke of the speaker (a native Missourian) as a "tall, BALDING, wing-collared Californian", much after the manner as when the prophet Elisha was on his way to Bethel and many religious youths came out and mocked, saying, "Go up, thou bald head; go up, thou bald head!" and Elisha turned and uttered Jehovah's judgment upon them and two she-bears from the forest came and 'tore' 42 of them. Doubtless by the time this assembly closed the public press felt it had been torn by the claws of something far worse than two literal bears and that a "curse" rested upon it for its stubborn course of willful, lying mockery against the Elisha work today and those doing it.

Attendances at the sessions increased, as the assembly increased to 70,000 attendants, the number originally published as expected; and thousands more were yet en route to St. Louis. Much profit was derived from today hearing capable speakers deal with such subjects as "Magazine Route Work", "Magazine Street Witnessing," "Courage," "Jael's Experiences," "Zone Assembly and Its Purpose," and "Covenant Obligations". These speeches stressed Jehovah's Theocratic organization and its structure, and the work it is now commissioned to do, and the effective ways of getting the witness done; also the requirement to obey organization arrangements, and our obligations as consecrated Christians to fulfill our side of the covenant with Jehovah God as his faithful and true witnesses, if we would gain life and have part in the vindication of his greatly reproached holy name.

### FRIDAY, AUGUST 8

This was notably Pioneers' Day. Due to Jehovah's loving provision through his visible organization more than 5,000 pioneers from America and other lands were enabled to come and share the glorious Kingdom service at St. Louis. All registered as such on arrival, and the Society provided free meals for them and also rooming accommodations for as many as needed it This supports that the Society is in very truth a "charitable" organization even according to the definition of the worldly law. There was a booth in the Arena corridor marked "New Pioneers", and up till this point 300 new pioneers had already signed up at this assembly, one being a seven-year-old. (Before the convention closed more than 700 had signed up.) The present pioneer band includes some men 86 years old and some women 77 years old, and some children nine years of age. 'According to the faith of all such be it unto them,' as Jesus said.

At 3 p m. all the pioneers had assembled in the main auditorium in front of the speakers' platform, their identification cards admitting them. The rest of The Arena was all packed out again, by other publishers. Dwelling on the subject "Pioneer's Place in the Organization" a speaker emphasized that "the time of independent isolation of the pioneers is past" and now they must faithfully co-operate also with the regional and zone servants and with the organized companies with which many are associated. Another speaker considered "Pioneer Requirements" and stressed the need for meeting the "hours" requirement to remain permanently in the work, and that the back-calls made by pioneers should be increased. In the United States only 6.5 percent of all publishers were pioneers, whereas in the British Isles 11 percent are such, and hence this country could well increase its percentage of pioneers. In this connection the speaker read a letter from a St. Louis radio announcer setting out the frank statement by a prominent religious lecturer from Britain concerning the stabilizing and heartening effect the fearless witness work of Jehovah's witnesses has upon the morale of the British people during this war, and also concerning their faithfulness in concentration camps in Germany, to the dismay of the Nazis. (Incidentally, copies of this letter were thereafter released to the press for publication, but not a single newspaper dared print such favorable publicity concerning Jehovah's servants.)

Then Judge Rutherford greeted the pioneers. He expressed it as a privilege to greet such fighters for The Theocracy, and that the activities of such a band as these must "make some of the 'old woman' mighty sick". Pioneering men fled from Europe to seek and establish here freedom of speech, of assembly and of worship of God; they never imagined that such freedom would ever be hampered here as it is today in this land. This is all traced to religion and its allies. When these have finally closed down on our work here and cry "Peace and safety!" then a mighty explosion will occur and blow off the lid. "You pioneers are in this witness work not for selfish aggrandizement, nor to make a name for yourselves, but for the Lord's name's sake." Isaiah 62.10 includes a command for the pioneers: "Go through the gates!" The gates are open for all now, particularly the Lord's "other sheep". "Prepare ye the way of the people!" This it is your privilege to do by telling them the truth. "Cast up the highway!" That is, to walk in the Lord's way of righteousness. "Gather out the stones!" These are religion's stumblingstones; gather them out by taking to the people God's Word. "Lift up a standard for the people!" What standard? Not Hitler's swastika! The flag of America is a dignified and beautiful symbol, whose real meaning is "freedom" and "rights" of free men. Demonized flag-wavers try to force you to bow down thereto in violation of GOD'S law. Such ones are the first to violate the laws of the United States. "I say to the people of Missouri, where I have fought for the principles of democracy, because I believed them right. 'Jehovah's witnesses have the highest respect for what the flag represents, but, by God's grace, they will not bow down to ANYTHING!'" (Applause) You pioneers are real liberators of the people. When you go out from this convention you will have lots of scoffing, reproaches and ridicule, but not by honest men and women. Rejoice in tribulation. Don't think you are the whole thing because you are a pioneer. Keep on encouraging those who love the Lord "NOW GET BUSY!"

Immediately following, the assembly chairman briefly reviewed the legal aspect, and the legal battles the enemy had thrust on God's faithful witnesses, and that the SOCIETY had directed them to fight to the last ditch, and that at the greatest expense they had done so and gone up to the Supreme Court of the nation, and the SOCIETY was fighting for the things for which the flag stands, and now many legal victories had been won. In Germany hundreds of legal cases were won before the witness work was closed down there; likewise it may be here in America. Then a great outburst of gladness broke at the chairman's announcement that Judge Rutherford had caused to be published a new 32-page booklet entitled "Jehovah's Servants Defended", setting out the judicial decisions of high courts in cases we had fought and won; he now authorized the release of the booklet and a copy to be given free to each one there. This gracious provision and gift put a new weapon in the hands of the battling witnesses for use in meeting the enemy both in the field and before the tribunals

This same day a sharp judgment of the great Lawgiver against the "evil servant" class (Matt. 24:48-51) was expressed at the beginning of the afternoon's sessions. An ex-army officer of the United States appeared on the platform and asked and was granted the privilege to present a Resolution concerning one Moyle. Said lawyer proved unfaithful to his position of trust in the Lord's organization, slandered and abused the Bethel family at

Brooklyn, quit his post of duty, and thereafter sued the Society and its board of directors and others for $100,000 for libel because the facts were published in *The Watchtower* for the protection of Jehovah's witnesses throughout the land. The Resolution condemned such course of action and such recourse to worldly courts as unscriptural, unwarranted and unjustified. Put to a vote, the Resolution was adopted with a unanimous "Aye" by the vast assembly of more than 75,000. Thereafter copies of the Resolution were given free to all, to take home with them.

The afternoon's program concluded with a stirring speech by one from Canada, where the ranking prelate of the greatest religious foreign power has dictatorially caused Jehovah's own organization to be declared "illegal" and forbidden, and its adherents to be imprisoned; but where true Christians continue to obey God's commands rather than man's, and of whom 2,000 were then in attendance at the assembly and rejoicing. An example of a well-ordered Theocratic service meeting, presented by four young workers from headquarters, and a discourse on "Ehud and His Dagger" closed another blessed day.

### SATURDAY, AUGUST 9

The event everywhere advertised for today and eagerly awaited was the delivery of the public address by the president on "Comfort All That Mourn", at 3 p.m The great publicity campaign had gone over! Now 105,000 persons jammed The Arena and auxiliary buildings, the grounds all around, and the eleven-mile-distant trailer camp. A private telephone line connected The Arena platform with the WATCH TOWER headquarters at Brooklyn and the administration building of radio station WBBR on Staten Island, N. Y., where other audiences assembled. Both when the speaker ascended the platform and when the chairman presented him to speak the audience gave him a great ovation. The orchestra, now augmented to 126 instruments, rendered a selection suitable to this significant hour. Then the speech began. The public-address system was working at its best, and everyone in every location could hear well. The speaker's voice was in excellent condition, and filled with the quality of comfort. All hung on his words in rapt attention, only to break out in repeated applause, on nineteen occasions.

Referring to the cause of mourning, the speaker stated: "It is the truth that will make the people free from fear and mourning. Receiving the truth, their joy at once begins, and that's why 100,000 on these grounds today are all smiles!" (Applause) A reference to the "Axis Powers" and then to Daniel chapter eleven and "the king of the north" and "the king of the south" quickened the audience into unusual alertness. Both "kings" are not men, but world ruling powers! Then the scales fell from the listeners' eyes as Judge Rutherford identified the 'northern king' as the ruling power which is totalitarian and represented in the Axis combine and opposing Jehovah's Theocracy and its servants; and the 'southern king' as the world ruling power which rules and claims the right to rule the nations in the name of Democracy, and is represented in the British Commonwealth of Nations and supporting nations, but which also does not support The Theocratic Government. A brief survey of Daniel 11:27-45 followed, and ended all too soon. But when he added, "*The Watchtower* will publish the same, that the people of good-will may be enlightened," there was a joyous expression of satisfaction. More applause, later, when he commented, on Daniel 11:45, "that will mean the end of the Axis Powers, including Nazism, Fascism, and ROMANISM!"

Concerning the good news of The Theocracy he exclaimed: "Thank God that the message does not proceed from any man!" (Applause) The fulfillment today of Daniel's prophecy and its understanding mean the "end of the days" is here, and "which is proof that we may confidently expect Daniel the prophet of God to soon stand amongst the peoples on this earth and many will see him and rejoice". (Applause) The audience thrilled again into applause when he added that the Lord's people "are looking for those faithful men of God and they will not be surprised when they come". He then proceeded to detail the blessings of God's kingdom, and interrupted to cry out, "I challenge any government under the sun to point out any hope that they hold out!" (Applause) More blessings described, and he turned his words to his auditors: "And it is the duty and privilege of the people of this convention to tell the people of Missouri and of all parts of the land about The Theocracy." (Applause) Next a glorious description of "the Holy City"; then "no more death!" (Rev. 21:1-4) As to our period of transition from the wicked to the Theocratic rule, "soon the combined elements of wickedness will put forth their supreme effort in their final endeavor to destroy all who support The Theocracy, and they will cry 'Peace and safety!' because they have all of Jehovah's witnesses in the jug!" (Applause, with smiles of understanding) "They shall fail, and none shall help them, because God has decreed it so." Then came words of hope concerning the Armageddon survivors, followed by a contrast between the wicked and the wise: "They that be wise will choose to serve the King of glory and receive the blessings of everlasting life."

With the words, "And now, my good friends, I am sure you will want to join in sending a message of comfort," Judge Rutherford read a prepared "message", addressed "To all persons of good-will toward Jehovah and His King, Christ Jesus". Concluding it, he put the question, "If you believe that this is the message of loving-kindness that you wish to send to the people, say Aye!" There was a unanimous "Aye!" seconded by great applause. During the speech Judge Rutherford appealed "to the people of my native state [Missouri] to calmly look into the Bible for the hope of eternal life" (Applause), and now he expressed it as a "great privilege to speak to the children of the people of this state", and he asked: "What do world powers hold forth? Nothing! What does The Theocracy hold forth?" Everything worth-while!

The speech ended and Judge Rutherford retired, but a further joy awaited. Before the speech the chairman announced that, anticipating the great demand for it in print, the speech had been published and copies were on hand. Now it was announced that ten copies of the new booklet "Comfort All That Mourn" would be given free to each one there to distribute at once to the people of St. Louis, and without contribution; but any recipient so desiring and asking might contribute whatsoever he felt inclined. The response to this opportunity after such a public address was electrical, and parties and individuals scattered to all parts, the slums, the sidewalks fronting the "cockatrice hatchery" the Vatican maintains in St. Louis, and other locations convenient for the quick-distribution work.

Other presentations on the day's program were "Advice for Kingdom Publishers" by the Society's legal representative, and also discourses on "Transition" and on "Theocracy", all which were received with much aid and benefit. The supply shipped of the new booklet "Comfort All That Mourn" was quickly exhausted and distributed far and wide, and thus comfort from above was spread to other hundreds of thousands.

### SUNDAY, AUGUST 10, "CHILDREN'S DAY"

On an occasion last spring Judge Rutherford stated at headquarters in Brooklyn, "This is the day of the children." Today at the assembly marked the time even as such. The full significance of what Almighty God here caused to come to pass on this day will only be realized later under His revelation. He knows the end from the start.

Early this morning, at seven-thirty o'clock, there was an assembly of the candidates to hear the discourse on "Baptism", prior to their immersion; where 3,903 presented themselves therefor, of whom 1,357 were children, and out of almost "all nations, kindreds, people and tongues". Pools had been contracted for in

Kings County Clerk's Index No. 15845—Year 1940

# New York Supreme Court

**Appellate Division—Second Department**

OLIN R. MOYLE

*Plaintiff-Respondent*

*against*

FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, THOMAS J. SULLIVAN, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, CHARLES A. WISE, CLAYTON J. WOODWORTH, MATTHEW A. HOWLETT, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation, and WATCHTOWER BIBLE AND TRACT SOCIETY, INC., a New York membership corporation

*Defendants-Appellants*

## CASE ON APPEAL

**Vol. I—Pages 1 to 606**


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APPEAL PRINTING CO., INC., 148 DUANE ST., NEW YORK, N. Y.

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| 5.—Article entitled "Snares" appearing in the Watch Tower magazine dated Nov. 15, 1939 | 68 | 1740 |
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| W.—Letter from Olin R. Moyle to the Members of the Watch Tower Bible & Tract Society, Inc., dated Jan. 8, 1940 | 288 | 1890 |
| X.—Two letters from Olin R. Moyle to Fred and Jessie Aebly, dated Feb. 1, 1940 and Jan. 8, 1940, respectively | 290 | 1899 |
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| D-27.—Letter from Olin R. Moyle to J. G. Miller, dated Aug. 10, 1939 | 655 | 1960 |
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| D-35 for Ident.—Application for Pioneer Service made by Mr. Broad | 1468 | 1975 |
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# New York Supreme Court

APPELLATE DIVISION—SECOND DEPARTMENT

OLIN R. MOYLE,
*Plaintiff-Respondent,*

*against*

FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, THOMAS J. SULLIVAN, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, CHARLES A. WISE, CLAYTON J. WOODWORTH, MATTHEW A. HOWLETT, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation and WATCHTOWER BIBLE AND TRACT SOCIETY, INC., a New York membership corporation,

*Defendants-Appellants.*

## Statement Under Rule 234

This action, which was brought to recover One Hundred Thousand Dollars ($100,000) damages, Fifty Thousand Dollars ($50,000) upon the first cause of action and Fifty Thousand Dollars ($50,000) upon the second cause of action, was commenced by Olin R. Moyle against Joseph F. Rutherford, Fred W. Franz, Nathan H. Knorr, Grant Suiter, Thomas J. Sullivan, William P. Heath, Jr., Hugo H. Riemer, William E. Van



Amburgh, Arthur R. Goux, Charles A. Wise, Clayton J. Woodworth, Matthew A. Howlett, Watch Tower Bible & Tract Society, a Pennsylvania corporation, and Watchtower Bible & Tract Society, Inc., a New York membership corporation.

Service of summons and complaint upon the defendant, Hugo H. Riemer, was duly made October 11, 1940. Service of summons on the remaining defendants was waived, and summonses were delivered to defendants' attorney.

Motion to dismiss for failure to state a cause of action was made, denied and, upon appeal to this Court, the order denying the motion was affirmed.

An original answer was served and, upon motion made by the plaintiff, certain allegations were stricken therefrom and defendants allowed to re-plead. The amended answer was served on June 2, 1941, at which time the issue was joined.

The action was tried to a jury before Justice Ughetta, at Trial Term, Part 14, beginning on May 10th and ending on May 27th, 1943, at which time the jury brought in a verdict in favor of the plaintiff upon the first cause of action in the amount of Fifteen Thousand Dollars ($15,000) and upon the second cause of action in the amount of Fifteen Thousand Dollars ($15,000). The trial justice instructed a verdict upon the second cause of action in favor of defendants except the two corporate defendants. Judgment was entered upon said verdict on the 30th day of June, 1943, awarding the plaintiff recovery upon the first cause of action against



all the defendants in the amount of Fifteen Thousand Four hundred ninety-five Dollars and Twenty Cents; and upon the second cause of action against the two corporate defendants in the amount of Fifteen Thousand and Eighty-five Dollars.

Defendants duly moved for an order granting a new trial and for an order dismissing the complaint, upon all the grounds set forth in Section 549 of the Civil Practice Act except inadequacy of the damages, which motion was denied and exception allowed the defendants. Thereafter the defendants moved for a directed verdict under Section 457-a of the Civil Practice Act, which was denied and exception allowed the defendants.

There has been a change in the parties and in the attorneys since the bringing of the action. By stipulation Hayden C. Covington, Esq., was substituted for Joseph G. Glass, Esq., as attorney for the defendants. The defendant, Joseph F. Rutherford, died on January 8, 1942, and thereafter plaintiff discontinued the action and did not revive and continue the action as to the Estate of Joseph F. Rutherford, deceased. By stipulation Walter Bruchhausen, Esq., was substituted for John H. Van Surdam, Esq., as attorney for the plaintiff.

**Notice of Appeal to the Appellate Division**

NEW YORK SUPREME COURT

KINGS COUNTY

County Clerk's Index Number 15845—1940

OLIN R. MOYLE,
*Plaintiff,*

*against*

FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, THOMAS J. SULLIVAN, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, CHARLES A. WISE, CLAYTON J. WOODWORTH, MATTHEW A. HOWLETT, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation, and WATCHTOWER BIBLE AND TRACT SOCIETY, INC., a New York membership corporation,

*Defendants.*

SIR:

YOU WILL PLEASE TAKE NOTICE that all above-named defendants hereby appeal on both questions of law and questions of fact to the Appellate Division of the Supreme Court, Second Department, from the final judgment in said action, rendered in the Supreme Court, Kings County, and entered in the office of the Clerk of the County of Kings on the 30th day of June, 1943, in favor of the plaintiff and against all the defendants upon the first cause of action in the amount of Fifteen Thousand Four Hundred Ninety-five Dollars and Twenty Cents; and against the defendants, Watch Tower Bible & Tract Society, a Pennsylvania corporation and Watchtower Bible & Tract Society, Inc., a New York membership corporation, in the amount of Fifteen Thousand and Eighty-five Dollars; and from each and every part of said judgment; and upon said appeal the defendants intend to bring up for review the intermediate order overruling defendants' motion for a new trial made under Section 549 of the Civil Practice Act, and every part of said order made in this action on the 27th day of May, 1943, as appears in the minutes of the Court; and upon said appeal the defendants intend to bring up for review the intermediate order, and every part thereof, overruling the defendants' motion for a directed verdict made under Section 457-a of the Civil Practice Act, and each and every part of said order made in this action, dated July 20, 1943, and entered in the office of the Clerk of the County of Kings on the 21st day of July, 1943; and from all other intermediate orders made on the trial of said action, and from each and every part of the aforesaid orders.



*Notice of Appeal to the Appellate Division*

Dated, Brooklyn, New York, July 22, 1943.

HAYDEN C. COVINGTON
Attorney for Defendants
Office and P. O. Address
117 Adams Street
Brooklyn, New York

To:

WALTER BRUCHHAUSEN
Attorney for Plaintiff
Office and P. O. Address
14 Wall Street
New York, N. Y.



*Summons*

I, Walter Bruchhausen, attorney for plaintiff, do hereby certify that I received a true copy of the within Notice of Appeal on the 22nd day of July 1943.

(Signed) WALTER BRUCHHAUSEN
WALTER BRUCHHAUSEN
Attorney for the Plaintiff

**Summons**

SUPREME COURT OF THE STATE OF NEW YORK

IN AND FOR THE COUNTY OF KINGS

OLIN R. MOYLE,
*Plaintiff,*

*against*

JOSEPH F. RUTHERFORD, FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, "THOMAS" J. SULLIVAN, first name "Thomas" being fictitious, the true first name of said defendant being unknown to plaintiff, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, "CHARLES" A. WISE, first name "Charles" being fictitious, the true first name of said defendant being unknown to plaintiff, CLAYTON J. WOODWORTH, "MALCOLM" A. HOWLETT, first name "MALCOLM" being fictitious, the true first name of said defendant being unknown to plaintiff, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation, and WATCHTOWER BIBLE & TRACT SOCIETY, INC., a New York Membership corporation,

*Defendants.*

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance on the plaintiff's attorney, within twenty days after the service of this summons exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.



*Summons*

Dated, New York, October 7, 1940.

JOHN H. VAN SURDAM
Attorney for Plaintiff
Office & P. O. Address,
293 Broadway,
Borough of Manhattan,
City of New York.



**Complaint**

SUPREME COURT, KINGS COUNTY

[Same Title]

The plaintiff, by John H. Van Surdam, his attorney, complaining of the defendants, respectfully alleges:

FOR A FIRST CAUSE OF ACTION

1. Plaintiff is a resident and citizen of the State of Wisconsin and was from about May, 1935 to about August, 1939, a resident and citizen of the State of New York and has always been a citizen of the United States of America; he is an attorney at law licensed to practice in the States of Wisconsin and New York and in the Supreme Court of the United States; and is presently engaged in the practice of law in the City of Wauwatosa, Wisconsin.

2. Upon information and belief the defendant, Watch Tower Bible & Tract Society is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, (hereinafter referred to as the "Society") doing business in the State of New York; and the defendant, Watchtower Bible & Tract Society, Inc. is a membership corporation organized and existing under the laws of the State of New York, (hereinafter referred to as the "Corporation").

3. Upon information and belief the said Society and/or Corporation are, and at all times hereinafter mentioned, have been engaged in the publication of a magazine known as "The Watchtower", a semi-monthly magazine, and other publications of a religious character and in promulgating the



*Complaint*

beliefs of a religious group, organization or movement commonly known as "Jehovah's Witnesses" and upon information and belief all of the individual defendants herein named are members of said Jehovah's Witnesses and officers and/or directors of said Society and/or Corporation.

4. The plaintiff was during his residence in the State of New York from about May, 1935 to about August, 1939, the general counsel in charge of legal matters for the said Jehovah's Witnesses and in charge of the legal departments of the said Society and Corporation defendants herein, and plaintiff was at all times hereinafter mentioned a member of said Jehovah's Witnesses.

5. The plaintiff is, and always has been, a forthright, honest and faithful citizen of the States of Wisconsin and New York and of the United States of America and has always behaved and conducted himself as such, and the plaintiff is and always has been devoutly religious, and until the publication and circulation by the defendants of certain defamatory matter hereinafter set forth was always reputed, esteemed and accepted by and among all his neighbors, friends and fellow members of the said Jehovah's Witnesses and by and among other good and worthy citizens of said States and the United States of America to be a person of good name and fame and a loyal member of the said Jehovah's Witnesses and an attorney at law of the best reputation for honesty, loyalty and integrity.

6. The defendant Rutherford and the other individual defendants herein in or about and prior to the month of October, 1939, composed, published

and circulated an article entitled "Information", a copy of which article is hereunto annexed, and made a part hereof, as though it were fully set forth herein.

7. The aforementioned Society or Corporation defendants herein on or about the 15th day of October, 1939, published or caused to be published and circulated the said article entitled "Information" in the aforementioned magazine, "The Watchtower", at pages 316 and 317 of Volume LX, No. 20 thereof, and has caused the same to be published and circulated throughout the States of New York, Wisconsin, the United States of America and elsewhere.

8. The defendants maliciously, with actual malice, ill will and spite and with wantonness and recklessness published as a part of the said article entitled "Information" in the aforementioned issue of said magazine, "The Watchtower" at the third and fourth and eighth paragraphs on pages 316 and 317 thereof of the aforementioned issue of said magazine, of and concerning the plaintiff and of and concerning the plaintiff in his professional capacity the following false and defamatory matter:

> "At a joint meeting of the boards of directors of the Pennsylvania corporation and the New York corporation of the WATCHTOWER BIBLE AND TRACT SOCIETY held at the office of the Society at Brooklyn, N.Y., this 8th day of August, 1939, at which other members of the family were present, there was read to said boards and in the presence of O. R. Moyle a letter dated July 21, 1939,



written by said Moyle and addressed to the president of the Society.

"For four years past the writer of that letter has been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family of God at Bethel, and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Cor. 4:3; Rom. 14:4)"

* * *

"For four years Moyle was entrusted with the confidential matters of the Society, and then, without excuse, he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters, and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord. He who maligns the brethren of the Lord maligns the Lord himself, and the end of such the Scriptures plainly point out. Having been warned, each one must choose to join the "evil servant" and take the consequences (Matt. 24: 48-51) or remain faithful to Jehovah and his government by Christ Jesus. Choose whom you will serve."

9. The defendants in and by the aforesaid quoted matter meant and intended to charge and did charge and did convey to the readers thereof, among other things, viz.:



(a) That the plaintiff having been entrusted by the defendants with confidential matters as their general counsel had proved faithless to his trust, and, in the manner of Judas, the man who having been similarly entrusted, betrayed Jesus Christ, had betrayed his employers and his fellow members:

(b) That the plaintiff had become an "evil servant", was unfaithful to Jehovah and an unfit person for members of Jehovah's Witnesses to associate with.

(c) That by referring to Jude, verses 4-16, the defendants intended to and did charge and convey to the readers thereof that in accordance with the beliefs of Jehovah's Witnesses, the plaintiff has put himself in opposition to God's government and is a man who has denied the Truth and thereby committed a sin, the result of which condemns him to a second death and eternal destruction, a death from which there is no resurrection.

10. The above quoted portions of the said article hereinabove set forth in paragraph 8, were intended by the defendants to, and did continues to, and will continue to injure the good reputation and character of the plaintiff both as a man and as a lawyer, and was intended to, did, continues to, and will continue to, injure the plaintiff's feelings, mind and body; and the same was calculated to, did, does and will continue to hold the plaintiff up to public scorn, hatred, contempt, obloquy and ridicule, and has caused, causes and will continue to cause the plaintiff to be shunned and avoided by his friends, acquaintances and co-members of



the aforementioned Society of Jehovah's Witnesses and to suffer loss of income in his profession, all to his damage in the sum of Fifty Thousand Dollars ($50,000).

FOR A SECOND CAUSE OF ACTION

11. The plaintiff repeats and realleges with the same force and effect as though herein set forth in full, each and every allegation contained in paragraphs 1 to 5 inclusive hereof.

12. Upon information and belief the defendants caused the article entitled "Information" hereinabove referred to in paragraph 7 hereof to be read and published to and before various meetings of Jehovah's Witnesses in various states of the United States of America.

13. The aforementioned Society or Corporation defendants herein on or about the 15th day of November, 1939, published or caused to be published and circulated an article entitled "Shares" in the aforementioned magazine "The Watchtower", at pages 339 to 348 inclusive of Volume LX, No. 22 thereof, and caused the same to be published and circulated throughout the States of New York and Wisconsin, the United States of America and elsewhere.

14. The defendants herein maliciously, with actual malice, ill will and spite, and with wantonness and recklessness, published as parts of the said article entitled "Snares" in the aforementioned issue of said magazine, "The Watchtower" commencing at the end of paragraph at page 342 and at page 343 thereof, and at the first paragraph



of page 344, entitled "Tongue", all in the said issue of the said magazine of and concerning the plaintiff and of and concerning the plaintiff in his professional capacity, the following false and defamatory matter:

> "The man who claims to have consecrated himself to God and who then seeks to be what is generally called 'a good fellow' amongst others, and craves the favor of men, proves himself thereby to be a man-pleaser, which is an abomination in the sight of God. (Eph. 6:6; Col. 3:22) If a man claims to be consecrated to God and is a lawyer and appears in court as counsel for another consecrated person, and then conducts himself and the case on trial in such a manner that he might receive the approval of other men in the Court, such lawyer is a man-pleaser and proves his unfaithfulness to God and to the kingdom." * * * One who fails or refuses to look well to and defend the interest of a Christian, and does so in order that he might appear as a good fellow in the eyes of other men, is therefore the enemy of Christ.
>
> * * *
>
> "One whom the Lord favors with a place in his organization, and which person occupies a position therein of confidence toward his organization and has in charge confidential matters, and who then assaults the organization with false and evil words, shows himself to have been ensnared by the wicked one. He discloses that he has ignored God's Word and has been led by fear that he will not receive



> the approval of others unless he follows the course of evil speaking. Such a person shows that he has no fear of God, but that he does fear men, desiring their approval. He likewise shows that if he ever had a vision of the Kingdom he has entirely lost such vision. Having once started to serve the kingdom, unless that one has a vision of the Theocratic government and then wholly and completely devotes himself to and endeavors to promote the interest of the Theocracy, he is certain to be ensnared by the Devil."

15. The defendants intended to and did, in the parts of said article referred to in paragraph 14 hereof, refer to the plaintiff and in and by the aforesaid quoted parts of the said article meant and intended to charge and did charge and convey to the readers hereof, among other things, viz.:

(a) That the plaintiff had been charged as a lawyer with the defense of the interests of his clients but that he had failed to protect such interests and had been unfaithful.

(b) That the plaintiff, having been consecrated to God, was as a lawyer designated to defend the interests of other consecrated people, but that he failed and refused to look well to defend the interests of his consecrated brethren in order that he might appear as a "good fellow" in the eyes of other men, and that plaintiff is, therefore, the enemy of Christ.

(c) That the plaintiff, having been favored with a position of confidence and trust in the Lord's

organization, had proved faithless to his trust because he desired the approval of men instead of having a proper fear and reverence to the word of God, and that the plaintiff had been ensnared by the devil.

16. The above quoted portions of the said article hereinabove set forth in paragraph 14, were intended by the defendants to, and did, continues to, and will continue to injure the good reputation and character of the plaintiff both as a man and as a lawyer, and was intended to, did, continues to, and will continue to, injure the plaintiff's feelings, mind and body; and the same was calculated to, did, does and will continue to hold the plaintiff up to public scorn, hatred, contempt, obloquy and ridicule, and has caused, causes and will continue to cause the plaintiff to be shunned, and avoided by his friends, acquaintances and co-members of the aforementioned Society of Jehovah's Witnesses and to suffer loss of income in his profession, all to his damage in the sum of Fifty Thousand Dollars ($50,000).

WHEREFORE plaintiff demands judgment against the defendants in the sum of One Hundred Thousand Dollars ($100,000) together with the costs and disbursements of this action.

JOHN H. VAN SURDAM,
Attorney for Plaintiff,
Office and Post Office Address:
No. 293 Broadway,
Borough of Manhattan,
City of New York.

(Verified by Plaintiff on October 7, 1940.)



"INFORMATION"

"Being reminded that this is the time when God is removing from his organization everything that can be shaken, 'that those things which cannot be shaken may remain' (Heb. 12:26, 27), the members of the board of directors of the WATCHTOWER BIBLE AND TRACT SOCIETY, for the information and protection of those who are devoted to God's organization, request that The Watchtower publish what follows:

On the 21st of July, 1939, a paper writing in the form of a letter, signed by O. R. Moyle, was left at the desk in the lobby of the Bethel home addressed to the president of the Society. Because that paper involved the entire family at Bethel, it was properly brought before the board and before the family. The letter, being filled with false, slanderous and libelous statements, was vigorously condemned by the board, and by all the members of the Bethel family. The board unanimously adopted the following Resolution, which was also approved by the family:

"At a joint meeting of the boards of directors of the Pennsylvania corporation and the New York corporation of the WATCHTOWER BIBLE AND TRACT SOCIETY held at the office of the Society at Brooklyn, N.Y., this 8th day of August, 1939, at which other members of the family were present, there was read to said boards and in the presence of O. R. Moyle a letter dated July 21, 1939, written by said Moyle and addressed to the president of the Society.

'For four years past the writer of that letter has been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family of



God at Bethel, and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Cor. 4:3; Rom. 14:4)

'The members of the board of directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and his actions, and recommend that the president of the Society immediately terminate the relationship of O. R. Moyle to the Society as legal counsel and as a member of the Bethel family.'

Aside from the introductory paragraph announcing the writer's purpose to leave Bethel at a fixed time, every paragraph of that letter is false, filled with lies, and is a wicked slander and libel not only against the president but against the entire family, and for that reason the letter has not been published by the Society. He requested Consolation to publish his letter, and Moyle, being refused, now causes his libelous paper to be published and circulated among certain companies of the consecrated, causing the same to be publicly read, and then by his own words, which may be called "fair speech", he pretends to be in harmony with the Society, and thus further deceives the unsuspecting ones. His only possible purpose in further publishing his letter is to justify himself and to "cause division among the brethren", both of which are condemned by the Word of God. (Luke 16:15; Rom. 16:17, 18) For this reason the brethren should be warned. 'The afore-mentioned letter' being filled with lies leveled against the brethren, the same is hated by Jehovah: 'Six things doth the Lord hate; yea, seven are an abomination unto him:—a false witness that



speaketh lies, and he that soweth discord among brethren.'—Prov. 6:16-19.

By inducing others to join with him in the circulation and publication of his slanderous letter among the consecrated he makes others party to his wrong. The slanderous paper, being in opposition and against the interest of the Theocratic government, is pleasing only to the Devil and his earthly agents.

For four years Moyle was entrusted with the confidential matters of the Society, and then, without excuse, he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters, and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord. He who maligns the brethren of the Lord maligns the Lord himself, and the end of such the Scriptures plainly point out. Having been warned, each one must choose to join the 'evil servant' and take the consequences (Matt. 24:48-51) or remain faithful to Jehovah and his government by Christ Jesus. Choose whom you will serve.

(Signed) FRED W. FRANZ
N. H. KNORR
GRANT SUITER
T. J. SULLIVAN
W. P. HEATH, JR.
H. H. RIEMER
W. E. VAN AMBURGH
A. R. GOUX
C. A. WISE
C. J. WOODWORTH

APPROVED FOR PUBLICATION
J. F. RUTHERFORD
Pres.



**Defendants' First Amended Answer**

SUPREME COURT, KINGS COUNTY

[Same Title]

Defendants, by their attorneys, Joseph G. Glass and Hayden C. Covington, for their amended answer to the complaint herein:

1. Deny any knowledge or information thereof sufficient to form a belief as to each and every allegation contained in paragraph 1 of the complaint.

2. Admit the allegations contained in paragraph 2 of the complaint.

3. Admit the allegations contained in paragraph 3 of the complaint.

4. Admit the allegations contained in paragraph 4 of the complaint, except the allegation that plaintiff was at all times a 'member of Jehovah's witnesses', which is denied.

5. Deny any knowledge or information thereof sufficient to form a belief as to each and every allegation contained in paragraph 5 of the complaint.

6. Admit the allegation contained in paragraph 6 of the complaint.

7. Admit the allegation contained in paragraph 7 of the complaint.

8. Deny all allegations in paragraph 8 of the complaint except the publication of the portions of the article quoted in paragraph 8 of the complaint.



9. Deny each and every allegation contained in paragraph 9 of the complaint.

10. Deny each and every allegation contained in paragraph 10 of the complaint.

FOR A FIRST COMPLETE DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

11. The publication made the basis of the FIRST CAUSE OF ACTION, to wit, the article published in the "Watchtower" magazine of the issue of October 15, 1939, Volume LX, No. 20, under the heading "INFORMATION" is THE TRUTH; and in this connection defendants allege the full facts showing that such publication is THE TRUTH, as follows:

12. For some years prior to July, 1939, the plaintiff claimed to be one of Jehovah's witnesses and a member of the Watch Tower Bible & Tract Society, devoting his time as general counsel for such Society and residing at its headquarters in Brooklyn, New York, at 124 Columbia Heights, and maintaining his office as such counsel at 117 Adams Street, Brooklyn, New York. During such time he was entrusted with certain legal matters pertaining to the Society and Jehovah's witnesses. For some months prior to July, 1939, the plaintiff secretly had professed a grudge against some of his brethren and a desire to cause a controversy and strife among his brethren in the organization, and particularly in the membership of the organization at headquarters, and a desire to abandon his responsibilities and the said organization.

13. On or about the twenty-first day of July, 1939, the plaintiff delivered a paper written by him to the person in charge of the lobby desk at the Bethel Home, 124 Columbia Heights, Brooklyn, New York, addressed to the defendant Joseph F. Rutherford, which was subsequently delivered to said defendant and plaintiff left and provided defendant no opportunity to discuss the matter with plaintiff. Such paper purported to be a letter which falsely accused said defendant and many other persons at the headquarters of the Watch Tower Bible & Tract Society of improper conduct and inconsiderate action toward those residing and working at said headquarters.

14. All of such accusations contained in said letter filled with lies were false, slanderous and libelous, both as to the defendant Joseph F. Rutherford and the other persons mentioned in such paper as well as the entire organization.

15. Subsequent to the writing of such letter, and before actual delivery to defendant J. F. Rutherford, the plaintiff wrongfully published copies of same and without invitation and on his own initiative later published the same and later caused the same to be publicly read, and later circulated many other false letters concerning defendants, among Jehovah's witnesses' companies of the consecrated, in many other parts of the country, and while so publishing the said letters (copies of some of which are attached hereto as EXHIBITS C to D, inclusive) continued to libel and slander and defame the name of the defendants to justify himself and also therey causing division and strife among Jehovah's witnesses throughout the entire



United States and attempting to destroy the organization thereby, and did, as stated in the article, become a false witness that speaketh lies and soweth discord; and that the plaintiff induced others to join with him in the circulation and publication of his said slanderous letter among the consecrated and made them parties to his wrong. In order to put the truth before all of Jehovah's witnesses, who had heard of such publication of said false accusations, the "Watchtower" magazine, the official publication of Jehovah's witnesses and of the defendants in the United States, published the article "INFORMATION" so as to show the truth and thereby enable all other of Jehovah's witnesses to protect themselves and the organization from the attempt on the part of the plaintiff to libel defendants and cause strife and division and trouble by the circulation of the above described letters.

16. That because the defendants are headquarters servants of and representatives of a Christian organization and each is a duly ordained minister of the gospel, such statements contained in said letters, due to defendants' peculiar and confidential relationship with all other of Jehovah's witnesses in the United States, amounted to and were libelous statements as to defendants.

17. Jehovah's witnesses and the two societies constitute God's organization on earth. Plaintiff's many and repeated original and subsequent vicious slanders and libelous letters against defendants and said organization constituted 'speaking evil' against God's organization, showing plaintiff to be a murmurer and complainer



causing discord and division among the brethren. His said original and continued subsequent attacks against the same, are, according to God's Word the Bible, and were against the interest of the Theocratic Government, and pleasing only the Devil and his earthly agents. The assault by the publication of such letters, articles and false written and oral statements to others, verbally and by writing, was without justification and excuse and was made against those (defendants) who had trusted him. His course of action above described and as described in the article published, and his neglect of his duty to faithfully represent God's organization and his brethren by furnishing and permitting the enemy of defendants and other of Jehovah's witnesses to obtain confidential information which they could and did use against his brethren, the defendants, constitute the exact course taken by Judas, who proved his unfaithfulness to Jehovah God by furnishing to enemies of Jesus, who entrusted him, that which they could use and did use against the organization of Almighty God. By the above described course of action plaintiff chose to join the "evil servant" class and to take the consequences before Almighty God, Jehovah, as stated in said "Watchtower" publication.

18. That by reason of the foregoing, the publication of the article entitled "INFORMATION", described in the complaint, is THE TRUTH and is pleaded in justification.



FOR A SECOND COMPLETE DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

19. Jehovah's witnesses collectively constitute an unincorporated organization composed of Christian people, each of whom has made a covenant with Almighty God to do His will according to God's revealed Word and purposes set forth in the Bible, and they are persons who serve Jehovah God in spirit and in truth, and their sole mission, defendants included, is to publicize the establishment of God's Kingdom on earth that will bring peace, prosperity, happiness and life to all who faithfully serve Jehovah God. They have no connection with any worldly organization or thing. The "Watchtower" magazine is the official publication of Jehovah's witnesses and of the defendant corporations, and is the chief and principal means of communicating with Jehovah's witnesses throughout the entire United States and elsewhere. As the official publishers for Jehovah's witnesses it is the duty and moral obligation of the defendants to discover and to resist any falsity or deception on the part of any person who claims to be one of Jehovah's witnesses and to publicize the true facts concerning the same; and also to publicize the true facts concerning all who attack Jehovah's witnesses and the Watch Tower Bible & Tract Society, and to duly inform Jehovah's witnesses by said publications in the "Watchtower" magazine of such wrongful practices of others; all for the purpose of preventing discord and strife among all of Jehovah's witnesses and to promote harmony and unity in the organiza-



tion, so as to enable all to appreciate their responsibilities and relationship to Almighty God and to their true brethren, and to enable them to resist any cause of dissension and division among those in the organization.

20. The defendants here and now adopt all of the allegations made in the foregoing paragraphs numbered 11 to 18 of First Complete Defense. These defendants knew that the said letters and publication thereof by the plaintiff would later receive wide circulation amongst Jehovah's witnesses. That by reason of the fact that plaintiff had been general counsel, he was widely acquainted with thousands of Jehovah's witnesses and had communicated with thousands during the time he acted as counsel and such persons and all of Jehovah's witnesses had confidence in and would believe plaintiff to be an authorized representative of the organization unless advised of the fact that plaintiff had wrongfully assaulted their organization and severed his connection therewith and thereby would, without such knowledge, believe such false charges contained in said letter unless they had been properly notified of the true facts. By reason of such written assaults, letters and continuous publication throughout the United States of such libelous and slanderous letters by the plaintiff against the defendants and the entire organization, the plaintiff damaged the entire organization, and the defendants in good faith believed that such conduct of plaintiff would cause and continue to cause damage and injury, strife, dissension and division among all of Jehovah's witnesses and those of the organization, and thus



injure and destroy the same if not resisted. For the purpose of advising and counseling of Jehovah's witnesses concerning the same, defendants prepared and published in good faith the article entitled "INFORMATION". Such publication was upon a subject in which the defendants had an interest and a duty to publicize and make known to others among Jehovah's witnesses by transmitting such information through the "Watchtower" magazine, and such persons so receiving same had a corresponding interest to know the facts and to be on guard against such injurious conduct of plaintiff toward the organization of which they were members. The publication of such article was necessary and proper in the protection of the interests of the defendants and the entire organization of Jehovah's witnesses throughout the United States.

That the defendant Joseph F. Rutherford was and is the president of the Watch Tower Bible & Tract Society (the directing head of the work of Jehovah's witnesses) and he was and is the chief of the headquarters staff which resides at the Bethel Home of which the plaintiff was a member prior to his departure in 1939. That the defendant Rutherford in particular, and the other defendants, had a duty and obligation toward the members of the Bethel Family to protect such family from wrongful attacks and assaults. That the said letter of plaintiff concerning the headquarters staff at Bethel Home was a serious and unwarranted vilification of the entire headquarters staff known as the Bethel Family, and of the defendants, and also of Jehovah's witnesses as a whole. That by reason of the aforesaid, an obligation

rested upon the defendants to inform all of Jehovah's witnesses of the wrongful injurious acts and course taken by the plaintiff and in contradiction to said letter to present the truths and thus preserve the Lord's organization. That if the false charges contained in plaintiff's letter were permitted to stand unchallenged, by reason of the publication and threatened publication of the plaintiff's letter, they would greatly injure the entire organization, and particularly the headquarters staff, which is looked upon by Jehovah's witnesses throughout the entire country as an example to follow.

Such publication of the article entitled "INFORMATION" was without malice, or ill will, or feeling toward the plaintiff; and the defendants had a duty to do all possible to keep those of the organization together, thereby safeguarding the same, and were acting in harmony with the Scriptures, and that by reason of the foregoing, the publication was a privileged communication between the defendants and all other of Jehovah's witnesses throughout the entire United States and is therefore not actionable.

21. In this connection, defendants would show that on and prior to January 31, 1940, the "Watchtower" magazine was circulated among only Jehovah's witnesses and those who desired an education in the Bible, and was not published and distributed to the public, but its circulation and distribution was confined solely to Jehovah's witnesses and members of the two defendant Societies.



FOR A THIRD COMPLETE DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

22. The defendants here and now adopt each and every allegation made under the title of "First Complete Defense" in paragraphs hereof, numbered 11 to 18, inclusive. Defendants further show that by virtue of the writing, delivering and publishing of the letter of July 21, 1939, sent to the defendant, Joseph F. Rutherford, by plaintiff, and plaintiff's subsequent publications and public readings of said libelous letter, and other like letters to various other of Jehovah's witnesses, throughout other parts of the United States, the plaintiff himself, and through others, made a vicious attack and assault against the defendants.

Such publication of the article entitled "INFORMATION" contained in "The Watchtower" was made in self-defense and in defense of the organization against the false aspersions and accusations made by plaintiff in the writing above described and in subsequent letters. The repeated continued publication of such letters to others also invited and directly caused the publishing of the article. The publication of said article entitled "INFORMATION" in "The Watchtower" was made in fair reply to such defamatory publications written by plaintiff, and such "Watchtower" article was in discharge of a duty which the defendants owed to themselves and other of Jehovah's witnesses. That by reason thereof the publication entitled "INFORMATION" was invited by the conduct of the plaintiff and for such reason is privileged.



FOR A FOURTH COMPLETE DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

23. Each and every allegation in paragraphs 11 to 18 inclusive is hereby repeated with the same force and effect as if herein again set forth in full.

24. Plaintiff at the time of and prior to said publication, because of his association with the defendants, had become a person of public interest and concern among Jehovah's witnesses and a public character among Jehovah's witnesses. The matter complained of in said article relating to said plaintiff in so far as it consists of allegations of fact, is true in substance and in fact, and, in so far as it consists of expressions of opinions and comments, such opinions or comments are fair comments, in connection with said news report of the action taken by the plaintiff in departing from the said headquarters of the organization and writing and subsequently publishing said letters, made in good faith, which were and are matters of great public concern and public interest to the many of Jehovah's witnesses throughout the entire United States. Said comments were the honest expression of the opinion of the defendants.

FOR A FIRST PARTIAL DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

25. Each and every allegation hereinabove set forth in paragraphs 11 to 18 inclusive under the First Complete Defense is hereby repeated with the same force and effect as if herein again set



forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.

FOR A SECOND PARTIAL DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

26. Each and every allegation hereinabove set forth in paragraphs 19 to 21 inclusive under the Second Complete Defense is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.

FOR A THIRD PARTIAL DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

27. Each and every allegation hereinabove set forth in paragraph 22 under the Third Complete Defense is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.

FOR A FOURTH PARTIAL DEFENSE TO THE FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

28. Each and every allegation hereinabove set forth in paragraphs 23 and 24 under the Fourth Complete Defense is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this



action will give evidence thereof by way of partial as well as complete defense.

FOR A FIFTH PARTIAL DEFENSE, IN MITIGATION OF DAMAGES TO WHICH PLAINTIFF MIGHT OTHERWISE SEEM ENTITLED, TO FIRST CAUSE OF ACTION DEFENDANTS ALLEGE:

29. Each and every allegation hereinabove set forth in paragraphs 11 to 24 inclusive is hereby repeated in mitigation of any damage to which plaintiff might otherwise appear entitled because of the publication of the alleged libelous matter set forth in the first cause of action, and is incorporated herein for that purpose with the same force and effect as if herein again set forth in full. Defendants say that they believed in good faith that the statements contained in said article "INFORMATION" were true, fair comment, and that it was necessary to publish the same to protect the organization and Jehovah's witnesses. By reason thereof plaintiff is not entitled to collect any amount whatsoever.

30. In answer to paragraph 11 of the complaint the defendants here and now adopt the allegations contained in paragraphs hereof numbered 1, 2, 3, 4 and 5, respectively, as their answers to and denials of paragraphs 1, 2, 3, 4 and 5 of the complaint.

31. Deny each and every allegation contained in paragraph 12 of the complaint.

32. Admit the allegations contained in paragraph 13 of the complaint.



33. Deny all the allegations in paragraph 14 of the complaint except the allegation of the publication of the issue of "The Watchtower" of November 15, 1939, and the quotations referred to in paragraph 14 of the complaint, which are admitted.

34. Deny each and every allegation contained in paragraph 15 and in its subdivisions designated, respectively, (a), (b) and (c), of the complaint.

35. Deny each and every allegation contained in paragraph 16 of the complaint.

FOR A FIRST COMPLETE DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

36. The publication made the basis of the Second Cause of Action, to wit, the article published in the "Watchtower" magazine of the issue of November 15, 1939, Volume LX, No. 22, under the title "Snares", is THE TRUTH; and in this connection defendants allege the full facts in justification showing that such publication is THE TRUTH, as follows:

37. Defendants also adopt the allegations contained in paragraphs 11 to 18 inclusive hereinabove set forth under the title of "First Complete Defense" to the alleged First Cause of Action.

38. For some years prior to August, 1939, plaintiff claimed that he had consecrated himself to do the will of Almighty God under the leadership of His Son Christ Jesus, which consecration

required the plaintiff to be fully obedient to the laws of Almighty God as recorded in The Bible and to look well to the interest of his brethren in Christ Jesus. Plaintiff was favored with a position of trust in the organization of the Lord. During the summer of 1939 plaintiff as a lawyer acting for said organization and for his brethren in Christ had the privilege and responsibility of representing some of his brethren who had been violently assaulted by certain agents of the Roman Catholic Hierarchy under the direction of a so-called "radio priest", Charles E. Coughlin, of Royal Oak, Michigan, which agents numbering several hundred had conspired and attempted to break up an assembly of Jehovah's witnesses lawfully convened and held at the City of New York, and plaintiff's said brethren so assaulted were themselves thereupon falsely charged by their assailants with assault and were represented by plaintiff in that proceeding. While appearing on their behalf as counsel at preliminary hearings, plaintiff attempted to be a "good fellow" among those of the enemy present at such hearings, and plaintiff openly showed himself at said hearings to such persons to be a man-pleaser. Also, at such occasions plaintiff conducted himself and the cases on trial in such a manner that he would receive the approval of men and showed himself to be a man-pleaser and thus proved his unfaithfulness to Almighty God and to God's Kingdom and plaintiff did not look well and diligently to and defend the interest of the Kingdom and of his Christian brethren in order to please those of the enemy who were present. Plaintiff had a grudge against some of his brethren; plaintiff failed on



those occasions to properly represent them and gave them bad advice which if followed by them would have injured them and the organization. Such course hereinabove described makes plaintiff an enemy of Christ and of God's organization.

39. Plaintiff was favored with a place of confidence in God's organization and had in his charge confidential matters pertaining to such organization and to his brethren in Christ. He spurned such position of trust. Without justification plaintiff assaulted said organization and members thereof with false and evil words. Defendants here adopt and make a part hereof the allegations contained in the above entitled "First Complete Defense" to the alleged First Cause of Action, set forth in paragraphs 11 to 18 inclusive. Such conduct of plaintiff conclusively shows him to have been ensnared by the Devil, and that plaintiff had ignored the Word of Almighty God and was led by fear of men, seeking their approval, to such course of evil speaking. By reason thereof plaintiff had no fear of God but feared entirely men, desiring their approval, all of which caused him to lose a vision of the Kingdom of God and His Theocratic Government and to become ensnared by the Devil.

FOR A SECOND COMPLETE DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

40. Defendants here and now adopt and make a part hereof, as though the same were set forth fully herein, the entire text of paragraphs 19 to 21 inclusive hereof under the title "Second Com-



plete Defense" in response to the alleged First Cause of Action.

41. At the time of and before the publication of the article described in the alleged Second Cause of Action plaintiff was continuing to assault and to malign defendants and the organization aforesaid by continuing to write letters throughout the country to many of Jehovah's witnesses and by continuing to publish his libelous letters hereinbefore described through reading the same to others privately and publicly. That these defendants knew that said letters and publication thereof by the plaintiff would later receive wide circulation amongst Jehovah's witnesses. That by reason of the fact that plaintiff had been General Counsel, he was widely acquainted with thousands of Jehovah's witnesses and had communicated with thousands during the time that he acted as Counsel and such persons and all of Jehovah's witnesses had confidence in and would believe plaintiff to be an authorized representative of the organization unless advised of the fact that plaintiff had wrongfully assaulted their organization and severed his connection therewith and thereby would, without such knowledge believe such false charges contained in said letters unless they had been properly notified of the true facts. Such conduct on the part of plaintiff caused damage and at such time the defendants in good faith believed that such conduct would cause damage, injury, strife and dissension among all of Jehovah's witnesses and those of the organization, and defendants knew that such would, if not resisted, cause great damage and



injury to said organization. Because of such aforesaid conduct it became necessary, for the protection, comfort and edification of the true and faithful servants of Almighty God, Jehovah's witnesses, to publish the entire article entitled "Snares" referred to, and which is annexed hereto and made a part hereof and marked EXHIBIT B.

42. The publication "Snares" is a general statement advising readers of "The Watchtower" how to detect any deception practiced upon them and to determine who is an enemy and to thus enable the readers to protect themselves, and said publication was not directed against the plaintiff.

43. Such publication was upon a subject in which defendants had a lively interest and a duty to publicize and to make known to others of Jehovah's witnesses by transmitting such information to them through the "Watchtower" magazine and who had a corresponding interest to know the facts and to be on guard against such injurious conduct of plaintiff. The publication of such article was necessary and proper in the protection of the interests of the defendants as well as all of Jehovah's witnesses in the United States and of the entire organization of Jehovah's witnesses in the United States. The defendant was and is the president of the Watch Tower Bible & Tract Society (the directing head of the work of Jehovah's witnesses) and he was and is the chief of the headquarters staff which resides at the Bethel Home of which the plaintiff was a member prior to his departure in 1939. That the defendant Joseph F. Rutherford in particular, and



the other defendants, had a duty and obligation toward the members of the Bethel Family to protect such family from wrongful attacks and assaults. That the said letter of plaintiff concerning the headquarters staff at Bethel Home was a serious and unwarranted vilification of the entire headquarters staff, known as the Bethel Family, and of the defendants, and also of Jehovah's witnesses as a whole. That by reason of the aforesaid, an obligation rested upon the defendants to inform all of Jehovah's witnesses of the wrongful and injurious acts and course of action taken by the plaintiff and in contradiction to said letter to present the truth and thus preserve the Lord's organization. That if the false charges contained in plaintiff's letter were permitted to stand unchallenged, by reason of the publication and threatened continued publication of the plaintiff's letter, they would greatly injure the entire organization, and particularly the headquarters staff, which is looked upon by Jehovah's witnesses throughout the entire country as an example to follow.

Such publication of the article "Snares" was without malice, or ill will, or feeling toward plaintiff; and defendants had a duty to keep those of the organization together in harmony and were acting as directed by the Scriptures; and by reason of the foregoing, the publication was a privileged communication between the defendants and all other of Jehovah's witnesses throughout the United States and is not actionable.

44. Defendants here and now adopt paragraph 21 hereof under the title "Second Complete De-



fense" to the alleged First Cause of Action in the complaint, and hereby make same a part hereof as though fully set forth at this place.

FOR A THIRD COMPLETE DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

45. Defendants here and now adopt each and every allegation made under the title "First Complete Defense" to the alleged First Cause of Action in the complaint, and also each and every allegation made under the title "First Complete Defense" to the alleged Second Cause of Action in the complaint; and defendants further show that by virtue of the writing, delivering and publishing of the letter of July 21, 1939, sent to the defendant Joseph F. Rutherford by plaintiff, and plaintiff's subsequent publication and public reading of said libelous letter and subsequent like letters to various other Jehovah's witnesses throughout other portions of the United States, plaintiff himself, and through others, made a vicious assault against the defendants and the organization aforesaid. Such publication of the article entitled "Snares" contained in "The Watchtower" was made in self-defense and in defense of the organization against the false aspersions and accusations made by plaintiff in the above described writings. The repeated continued publication of such letters by plaintiff to others also invited the publishing by defendants of the article and was the sole cause thereof. The publication of said article entitled "Snares" in "The Watchtower" was made in fair reply to

such defamatory publication written by plaintiff above referred to, and was in discharge of a duty which defendants owed to themselves and to other of Jehovah's witnesses. That by reason thereof the publication entitled "Snares" was invited by the conduct of plaintiff and for such reason is privileged.

FOR A FOURTH COMPLETE DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

46. Each and every allegation in paragraphs 36 to 39 inclusive is hereby repeated with the same force and effect as if herein again set forth in full.

47. Plaintiff at the time of and prior to said publication because of his association with the defendants had become a person of public interest and concern among Jehovah's witnesses and a public character among Jehovah's witnesses. The matter complained of in said article relating to said plaintiff in so far as it consists of allegations of fact, is true in substance and in fact, and, in so far as it consists of expressions of opinions and comments, such opinions or comments are fair comments, in connection with said news report of the action taken by the plaintiff in departing from the said headquarters of the organization and writing and subsequently publishing said letters, made in good faith, which were and are matters of great public concern and public interest to the many of Jehovah's witnesses throughout the entire United States. Said comments were the honest expression of the opinion of the defendants.



FOR A FIRST PARTIAL DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

48. Each and every allegation hereinabove set forth in paragraphs 36 to 39 inclusive under the First Complete Defense to the alleged Second Cause of Action is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.

FOR A SECOND PARTIAL DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE

49. Each and every allegation hereinabove set forth in paragraphs 40 to 44 inclusive under the Second Complete Defense to the alleged Second Cause of Action is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.

FOR A THIRD PARTIAL DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE

50. Each and every allegation herein above set forth in paragraph 45 under the Third Complete Defense to the alleged Second Cause of Action is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.



FOR A FOURTH PARTIAL DEFENSE TO THE SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

51. Each and every allegation hereinabove set forth in paragraphs 46 and 47 under the Fourth Complete Defense to the alleged Second Cause of Action is hereby repeated with the same force and effect as if herein again set forth in full, and the defendants on the trial of this action will give evidence thereof by way of partial as well as complete defense.

FOR A FIFTH PARTIAL DEFENSE, IN MITIGATION OF DAMAGES TO WHICH PLAINTIFF MIGHT OTHERWISE SEEM ENTITLED, TO SECOND CAUSE OF ACTION DEFENDANTS ALLEGE:

52. Each and every allegation hereinabove set forth in paragraphs 36 to 47 inclusive is hereby repeated in mitigation of any damage to which plaintiff might otherwise appear entitled because of the publication of the alleged libelous matter set forth in the *second cause of action*, and is incorporated herein for that purpose with the same force and effect as if herein again set forth in full. Defendants say that they believed in good faith that the statements contained in said article entitled "Snares" were true, fair comment, and that it was necessary to publish the same to protect the organization and Jehovah's witnesses. By reason thereof plaintiff is not entitled to collect any amount of damages whatsoever.

WHEREFORE the defendants demand judgment that the complaint of plaintiff herein be dis-



missed together with costs and disbursements of this action.

JOSEPH G. GLASS
Attorney for Defendants
Office and P. O. Address:
60 Wall Street,
New York, N. Y.

HAYDEN C. COVINGTON
Attorney for Defendants
Office and P. O. Address:
117 Adams Street,
Brooklyn, N. Y.

(Verified by Nathan H. Knorr, one of the defendants, on May 31, 1941.)



**Order to Show Cause Why Judgment Should Not Be Rendered in Accordance with Motion of Defendants for a Directed Verdict in Favor of Each Defendant**

SUPREME COURT OF THE STATE OF NEW YORK

KINGS COUNTY

[SAME TITLE]

Upon reading and filing the affidavit of Hayden C. Covington, duly verified the 2d day of June 1943, and upon the pleadings in the above entitled action, the judge's minutes of the trial held in the Supreme Court of the County of Kings before Mr. Justice Ughetta on the 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, 21st, 24th and 25th days of May 1943, the verdict of the jury entered on the 27th day of May 1943, and the exceptions taken on the trial of said action, and upon all the proceedings heretofore had herein,

LET the plaintiff or his attorney show cause before this court at a Trial Term, Part XIV thereof, to be held at the County Court House, Fulton and Joralemon Streets, in the Borough of Brooklyn, City of New York, on the 3d day of June 1943, at 9.45 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard,

WHY a judgment should not be rendered and entered in accordance with the motion of the defendants for a directed verdict in favor of each defendant, made pursuant to section 457-a



of the Civil Practice Act, and for such other and further relief as to the court may seem just and proper in the premises.

SUFFICIENT REASONS appearing to me therefor, and why service cannot be made by notice within five days,

LET service of a copy of this order to show cause and the accompanying affidavit on the attorney for the plaintiff before 5 p.m. on this second day of June 1943 be deemed good and sufficient service.

Dated: Brooklyn, New York, June 2, 1943.

HENRY L. UGHETTA
Justice of the Supreme Court

## Affidavit of Hayden C. Covington in Support of Motion for Directed Verdict and for Judgment Under Section 457-a of the Civil Practice Act

SUPREME COURT OF THE STATE OF NEW YORK

KINGS COUNTY

[SAME TITLE]

State of New York, }
County of Kings, } ss.:

HAYDEN C. COVINGTON, being sworn, says:

1. That he is attorney of record for defendants in the above entitled action.

2. That this is a libel action instituted by service of summons and complaint in October 1940, which was brought on for trial before Mr. Justice Ughetta on the 10th day of May 1943. Thereafter evidence was heard before a jury, the causes argued by counsel, and the court's charge given to the jury on the 27th day of May 1943, which jury returned its verdict on the 27th day of May 1943, and which verdict of the jury was accepted, entered and filed on such date and which verdict is as follows:

> "We the jury find for the plaintiff on the first cause of action and assess damages at $15,000.
>
> "We the jury find for the plaintiff on the second cause of action and assess damages at $15,000."

3. At the trial the defendants and the plaintiff duly moved for a directed verdict, which was



denied. As soon as the verdict of the jury was entered counsel moved for a new trial upon all the grounds set forth in Section 549 of the Civil Practice Act, except insufficiency of damages, and upon the exceptions.

4. This affidavit is made in support of an application for an order to show cause why the verdict of the jury should not be set aside and a directed verdict entered in favor of the defendants and for a judgment to be entered in accordance with said directed verdict, pursuant to Section 457-a, subsection 3, of the Civil Practice Act as amended by chapter 749 of the Laws of 1940.

5. Affiant incorporates and makes a part of this affidavit the pleadings in the above entitled action, the judge's minutes of the trial held in the Supreme Court of the County of Kings before Mr. Justice Ughetta on the 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, 21st, 24th and 25th days of May 1943, and the verdict of the jury entered on the 27th day of May 1943.

6. Affiant makes this application for an order to show cause upon the pleadings in the above entitled action, the judge's minutes of the trial held in the Supreme Court as aforesaid, the testimony and exceptions taken on the trial of said action, and upon all the proceedings heretofore had herein, and now moves this court at a trial term thereof held in and for the County of Kings at the County Court House in the Borough of Brooklyn for an order setting aside the verdict of the jury rendered on May 27, 1943, and for a directed ver-



dict in favor of the defendants on both causes of action and for a judgment in accordance with the motion of each of the defendants for a directed verdict in favor of each of the defendants, pursuant to section 457-a of the Civil Practice Act, for and on account of each of the following grounds:

(a) That the undisputed evidence shows that the charges made in the article entitled "Information" are justified, and justification has been established as a matter of law, because each statement contained therein is the truth;

(b) The overwhelming preponderance of the evidence establishes the fact that the contents of the article entitled "Information" are the truth and the defense of justification has been established as a matter of law;

(c) The undisputed evidence shows that the charges made in the article entitled "Snares" are justified, and justification has been established as a matter of law, because each statement contained therein is the truth;

(d) The overwhelming preponderance of the evidence establishes the fact that the contents of the article "Snares" are the truth and the defense of justification has been established as a matter of law;

(e) The undisputed evidence and the overwhelming preponderance of the evi-



dence shows that the article entitled "Information" was a privileged communication between the defendants and the readers of said magazine entitled "The Watchtower" who were Jehovah's witnesses and people of good will throughout the United States and elsewhere, and no evidence of malice has been shown;

(f) The undisputed evidence and the overwhelming preponderance of the evidence shows that the article entitled "Snares" was a privileged communication between the defendants and the readers of said magazine entitled "The Watchtower" who were Jehovah's witnesses and people of good will throughout the United States and elsewhere, and no evidence of malice has been shown;

(g) The undisputed evidence and the overwhelming preponderance of the evidence establishes the fact that the article entitled "Information" was published in fair reply to and in answer to the letter of O. R. Moyle dated July 21, 1939, and that such publication of said article entitled "Information" was without malice and said defense of reply has been established as a matter of law;

(h) The undisputed evidence and the overwhelming preponderance of the evidence establishes the fact that the article entitled "Snares" was published in fair reply to and in answer to the letter of



O. R. Moyle dated July 21, 1939, and that such publication of said article entitled "Snares" was without malice and said defense of reply has been established as a matter of law;

(i) The undisputed evidence and the overwhelming preponderance of the evidence establishes that the article entitled "Information" was fair comment upon the acts and conduct of the plaintiff in resigning as counsel, writing his letter to the president of the society and thereafter causing the same to be circulated and which said defense of fair comment has been established in the evidence as a matter of law;

(j) The undisputed evidence and the overwhelming preponderance of the evidence establishes that the article entitled "Snares" was fair comment upon the acts and conduct of the plaintiff in resigning as counsel, writing his letter to the president of the society and thereafter causing the same to be circulated and which said defense of fair comment has been established in the evidence as a matter of law, on plaintiff's conduct, his writing of the letter of July 21, 1939, and his conduct of the hearing of the cases against Heath and others on July 11, 1939.

7. The reason for proceeding on this motion by order to show cause rather than notice of



motion is that this motion must be made within ten (10) days of the date of the verdict and before the term of this court ends on June 4, 1943, and there is not sufficient time for bringing it on by notice of motion.

8. Affiant says that this honorable court should issue an order requiring plaintiff's attorneys to show cause at the time and place fixed in said order why a judgment should not be entered in accordance with the motion of defendants for a directed verdict *pursuant to Section 457-a of the Civil Practice Act.*

HAYDEN C. COVINGTON

(Sworn to June 2, 1943.)

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**Order Denying Defendants' Motion for Directed Verdict, to Be Reviewed**

At a Trial Term, Part XIV, of the Supreme Court, held in and for the County of Kings, at the County Court House in the Borough of Brooklyn, City of New York, on the 20 day of July 1943.

Present—Hon. HENRY L. UGHETTA, Justice.

[SAME TITLE]

Upon reading and filing the affidavit of Hayden C. Covington, attorney for defendants, the show cause order issued thereon, and upon the pleadings, the judge's minutes of the trial, the verdict of the jury entered the 27th day of May 1943, the testimony and exceptions taken on the trial of said action, and upon all the proceedings heretofore had herein, and said motion having come on to be heard on the 3d day of June 1943, and the defendants having appeared by Hayden C. Covington, their attorney, and the plaintiff having appeared by Walter Bruchhausen, his attorney, in opposition thereto,

Now, after due deliberation, it is hereby

ORDERED that defendants' motion for a directed verdict pursuant to Section 457-a of the Civil Practice Act be and it is hereby *denied*, with exception to the defendants.

Enter,

(Signed) HENRY L. UGHETTA
Justice, Supreme Court

Granted July 20, 1943
FRANCIS J. SINNOTT, Clerk

Filed July 21, 1943 Kings County Clerk's Office

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**Extract from Clerk's Minutes**

At a Trial Term of the Supreme Court of the State of New York held in and for Kings County, at the Court House in the Borough of Brooklyn, on the 10th, 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, 21st, 24th, 25th, 26th and 27th days of May, 1943.

Present—Hon. HENRY L. UGHETTA, Justice.

[SAME TITLE]

#17842—T.T. 14

Plaintiff moves to discontinue action against the defendant Joseph F. Rutherford, without costs. Granted.

Plaintiff moves to amend fictitious names of the defendants as follows: Thomas J. Sullivan, Charles A. Wise, Matthew A. Howlett. Granted.

Plaintiff's 2nd cause of action as to individual defendants is dismissed.

This cause having been called for trial in its order on the Calendar, and twelve trial Jurors having been duly drawn, empanelled and sworn to try the same, the Jury come into Court and say that they find a verdict for the plaintiff in the sum of $15,000 on the first cause of action against all the defendants and a verdict in the sum of $15,000 against the defendants, Watchtower and Bible Society, a Pennsylvania corporation, and Watchtower Bible and Tract Society, Inc., a New York membership corporation.

Defendants move to set aside the verdicts on the grounds that they are contrary to the law and against the weight of the evidence and upon all the grounds specified in section 549 C.P.A., except inadequacy of damages. Motion denied.

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*Judgment*

30 days stay of execution and 60 days to make a case is granted to the defendants.

A true extract from the minutes.

FRANCIS J. SINNOTT,
Clerk.

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**Judgment**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

[SAME TITLE]

The above entitled action having duly come on for trial before Mr. Justice Henry L. Ughetta and a jury at a Trial Term, Part 14 of the Supreme Court, held in and for the County of Kings at the County Court House in the Borough of Brooklyn, City of New York, on the 10th, 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, 21st, 24th, 25th, 26th and 27th days of May, 1943, and the plaintiff having appeared by his attorney, Walter Bruchhausen, Esq., and the defendants having appeared by their attorney, Hayden C. Covington, Esq., and the issues having been duly tried and the jury having duly rendered a verdict in favor of the plaintiff and against all of the aforesaid defendants in the sum of Fifteen thousand ($15,000) Dollars on the first cause of action and a verdict in favor of the plaintiff and against the defendants, Watch Tower Bible & Tract Society, a Pennsylvania Corporation, and Watchtower Bible and Tract Society, Inc., a New York membership corporation in the sum of Fifteen Thousand

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*Judgment*

($15,000) Dollars and the costs of the plaintiff having been duly taxed in the sum of $410.20

Now, on motion of Walter Bruchhausen, attorney for the Plaintiff, it is

ADJUDGED that the plaintiff, Olin R. Moyle, residing at Johnson Creek, Wisconsin, do recover of the defendants Fred W. Franz, Nathan H. Knorr, Grant Suiter, Thomas J. Sullivan, William P. Heath, Jr., Hugo R. Riemer, William E. Van Amburgh, Arthur R. Goux, Charles A. Wise, Clayton J. Woodworth, Matthew A. Howlett, Watch Tower Bible & Tract Society, a Pennsylvania corporation, and Watchtower Bible & Tract Society, Inc., a New York membership corporation, all of 124 Columbia Heights, Borough of Brooklyn, City of New York, the sum of Fifteen thousand ($15,000) Dollars, together with the sum of $410.20 Dollars, costs as taxed, together with interest of $85.00, making in all the sum of $15,495.20, and it is

ADJUDGED that the plaintiff, Olin R. Moyle, do recover of the defendants, Watch Tower Bible & Tract Society, a Pennsylvania corporation, and Watchtower Bible & Tract Society, Inc., a New York membership corporation, the sum of Fifteen thousand ($15,000) Dollars, together with interest of $85, making in all the sum of $15,085.00, and it is

ADJUDGED that the plaintiff have executions therefor, excepting that the issuance of such executions shall be stayed for the period of thirty days from the date hereof.

Dated, June 30, 1943.

[signed] FRANCIS J. SINNOTT
Clerk

Filed June 30, 1943.

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**Case and Exceptions**

SUPREME COURT

KINGS COUNTY

Trial Term—Part 14.

[SAME TITLE]

Brooklyn, N. Y., May 10, 1943,
Two o'clock p. m.

Before—Hon. HENRY L. UGHETTA, Justice, and a Jury.

APPEARANCES:

WALTER BRUCHHAUSEN, Esq., Attorney for Plaintiff.
HAYDEN COVINGTON, Esq., Attorney for Defendants.

(A jury of twelve and two alternates were duly impaneled and sworn.)

The Court: Ladies and gentlemen of the Jury: We will now adjourn until ten o'clock tomorrow morning. Please be here promptly. In the meantime, do not discuss the case even among yourselves, and if by chance you see something of this case in the newspapers, you are instructed not to read it. All these parties want you to do is to do justice without any bias or prejudice between them. So if anything appears in the newspapers, please don't read it.

(Whereupon an adjournment was taken until Tuesday, May 11, 1943, at ten o'clock a. m.)

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*Plaintiff's Motion to Discontinue Action Against Defendant Joseph F. Rutherford*

Tuesday, May 11, 1943.

(Trial Continued Pursuant to Adjournment.)

(Mr. Bruchhausen opened to the jury in behalf of the plaintiff.)

(Mr. Covington opened to the jury in behalf of the defendants.)

Mr. Bruchhausen: If the Court please, as counsel for the defendants has stated, the defendant, Joseph F. Rutherford, died during the course of the action, so the plaintiff asks to discontinue without costs as against that defendant.

The Court: Have you anything to say about that, Mr. Covington.

Mr. Covington: Without costs, as to Rutherford?

Mr. Bruchhausen: Both sides.

The Court: That is right.

Mr. Covington: I don't think he should be able to get by without costs. You haven't made any efforts to substitute—

Mr. Bruchhausen: We can't help it that he died.

Mr. Covington: I understand that.

The Court: The only question is as to costs. The motion is granted. No costs.

Mr. Bruchhausen: Then there are some fictitious names. I would like to have the record corrected to show the true name of the defendant, Thomas J. Sullivan. Is that his correct name?

Mr. Covington: Yes.

The Court: Thomas J. Sullivan.

*Plaintiff's Motion to Correct Fictitious Names of Certain Defendants to Their True Names*

Mr. Bruchhausen: I would like to have the fictitious part of the name omitted and his true name stated as Thomas J. Sullivan.

The Court: The motion is granted.

Mr. Bruchhausen: Another defendant is mentioned fictitiously as "Charles A." Wise. I ask that it be corrected.

The Court: Motion granted.

Mr. Bruchhausen: There is a fictitious name of "Malcolm" A. Howlett. I understand his name is Matthew A. Howlett.

The Court: The motion is granted. The defendant, "Malcolm" A. Howlett's first name being fictitious, the true first name of said defendant being unknown to the plaintiff, is now corrected to read "Matthew."

Mr. Bruchhausen: I ask for the record to have it appear that this action was commenced on October 11, 1939.

Mr. Covington: 1940, you mean.

Mr. Bruchhausen: 1940, that is correct.

The Court: October 11, 1940.

Mr. Bruchhausen: And also to have the record show that a motion was made by the defendant, Hugo H. Riemer dated October 30, 1940, returnable November 12, 1940, which in part sets forth "For an order dismissing the complaint herein"—

Mr. Covington: There is no need to state the history of all the prior motions.

The Court: I agree with you.

Mr. Covington: And the disposition. The issues have been framed.

The Court: I agree with you.

Mr. Bruchhausen: Well, if your Honor please,



*Colloquy*

I assume then that counsel concedes that it has already been held by the Court—

The Court: It is not necessary to say that at all. I will conduct the trial and I will take the proof, in accordance with the law as I see it, and the law of the case.

Mr. Bruchhausen: I think, if your Honor please, the record should show that these publications of October 1939 and November 1939, have been held libelous *per se* by the Appellate Division.

The Court: We won't go into that at this time. At the proper time I will hold which way I think is right. Offer your proof and at the proper time I will take the law of the case as I see it.

Mr. Bruchhausen: I am not discussing that just now. But I feel that the record here should show—

The Court: All the papers are part of the case.

Mr. Bruchhausen: If I can assume that—

The Court: All the papers are part of the case.

Mr. Bruchhausen: —that these papers are deemed to be in evidence—then I would like to offer the record to show admissions from the answer—

The Court: The summons and complaint and the answer are all part of the case.

Mr. Bruchhausen: I would like to at this time, if the Court please, read into the record the examination before trial of the defendant, William E. Van Amburgh.



*William E. Van Amburgh—Examination Before Trial*

Mr. Covington: I don't know what part he is going to read.

The Court: He will read the number of each question.

Mr. Covington: They are not numbered.

The Court: Then he will tell you the page.

Mr. Bruchhausen: "WILLIAM E. VAN AMBURGH, having been first duly sworn, as aforesaid, testified as follows:

*"Direct examination by Mr. Bruchhausen:*

"Q. Where do you reside? A. 124 Columbia Heights, Brooklyn, N. Y.

"Q. And you are a member of Jehovah's Witnesses? A. Yes, sir.

"Q. And have been for how long? A. About forty-six years.

"Q. Is there any record kept of your membership? A. No, sir.

"Q. Do you have a record or a roll of membership? A. No, sir.

"Q. How do you know who the members are? A. We do not know who a great many of them are.

"Q. There is no application signed by them? A. No, sir.

"Q. Any dues paid by them? A. No, sir.

"Q. How is it determined that a person is or is not a member of Jehovah's Witnesses? A. That depends on the member himself.

"Q. Are you acquainted with the plaintiff, Olin R. Moyle? A. Yes, sir.

"Q. How long have you been acquainted with him? A. I first met him in the summer of 1935.



*William E. Van Amburgh—Examination Before Trial*

"Q. He then took up his residence at 124 Columbia Heights? A. Yes, sir.

"Q. And that is the main headquarters of Jehovah's Witnesses? A. Yes, sir.

"Q. Do you reside there and did you at all times while he was living there? A. Yes, sir.

"Q. And he was a member of Jehovah's Witnesses, was he not? A. Yes, sir.

"Q. And was a member all that period from 1935 to 1939? A. Yes, sir.

"Q. Are you an officer of any of the defendant corporations—The Watch Tower Bible & Tract Society, a Pennsylvania corporation, and Watch Tower Bible & Tract Society, Inc., a New York membership corporation? A. Yes, sir.

"Q. An officer of both? A. Yes, sir.

"Q. What office do you hold? A. Secretary-Treasurer.

"Q. Of both corporations? A. Yes, sir.

"Q. And how long have you held these offices? A. Of the Pennsylvania corporation—about 41 years.

"Q. And how long of the New York Corporation? A. Since 1909—no, I beg your pardon—I don't remember the exact date.

"Q. Is that matter of election—the date—in the corporate records? A. Yes, sir.

"Q. You have charge of those records? A. Yes, sir.

"Q. Are both of those corporations the publishers of the Watch Tower Magazine? A. The Pennsylvania corporation was incorporated in Pennsylvania under the laws of Pennsylvania. They moved to Brooklyn, New York, in 1909



*William E. Van Amburgh—Examination Before Trial*

and in order to comply with the laws of New York, the corporation known as People's Pulpit Association was incorporated to comply with the New York laws. Later it was changed to Watch Tower of New York.

"Q. How long has the Watch Tower Magazine been published? A. Since July, 1879.

"Q. And both corporations are the publishers of that magazine, is that correct? A. At present.

"Q. Were they the publishers of the magazine in 1939? A. Yes, sir.

"Q. And both corporations participate in the circulation of the magazine? A. Yes, sir.

"Q. Do you recall appearing at a meeting of the directors of both corporations in August, 1939? A. August 8th, yes, sir.

"Q. And do you recall who were present at that meeting? A. All members of the Board of Directors of each corporation, as I recall.

"Q. Will you name the directors of The Watch Tower Bible & Tract Society, the Pennsylvania Corporation, in August, 1939? A. J. F. Rutherford, President; C. A. Wise, Vice-President; W. E. Van Amburgh, Secretary-Treasurer; T. J. Sullivan, Director; H. H. Riemer, Director; W. P. Heath, Jr., Director; Grant Suiter.

"Q. And who were the directors of The Watch Tower Bible & Tract Society, the New York Corporation, in August, 1939? A. J. F. Rutherford, President; Nathan H. Knorr, Vice-President; W. E. Van Amburgh, Secretary-Treasurer; A. R. Goux, Assistant Secretary-Treasurer; F. W. Franz and C. J. Woodworth.

"Q. Were there present at the directors meet-



*William E. Van Amburgh—Examination Before Trial*

ing of both corporations on August 8, 1939, Fred W. Franz; Nathan H. Knorr, Grant Suiter, T. J. Sullivan, W. P. Heath, Jr.; H. H. Riemer; Wm. E. Van Amburgh; A. R. Goux; C. A. Wise and C. J. Woodworth? A. I don't get that question.

"Q. Were they all present at the directors' meeting? A. Yes, sir.

"Q. And your answer is that all of those persons were present? A. Yes, sir.

"Q. Was there any one else present? A. Yes sir.

"Q. Who else? A. Mr. Moyle.

"Q. What matters were discussed at that meeting pertaining to the plaintiff, Moyle? A. The President stated that he had received a letter from Mr. Moyle and that he would like to take it before the Board—joint board—and ask for consideration. I do not recall further explanations. He then asked the letter to be read which Mr. Moyle had written to the President.

"Q. Was the letter that was read, which you just referred to, the letter dated July 21, 1939, which is annexed to the first amended answer in this case? A. Mr. Rutherford then asked his private stenographer, Mr. Keller, to bring in the letter and read it to the Board.

"Q. And was that letter which you just referred to a letter written by the plaintiff dated July 21, 1939 which is annexed to the amended answer in this case? A. Yes, sir.

"Q. Did you read the letter prior to that meeting? A. No sir.

"Q. Had you heard anything about it prior to that meeting? A. No sir.

"Q. How was this meeting called—was it by

written notice or verbal notice. A. As I recall the President announced at the breakfast table that he would like to meet the Board of Directors immediately after breakfast.

"Q. All the directors, I take it, reside in the building? A. Yes.

"Q. Were all the persons named as having been at the meeting at the breakfast table that morning? A. I don't know that they are all there.

"Q. They all resided at that time at the premises? A. Yes, sir.

"Q. Was there any discussion by any of the directors at that directors' meeting after the letter was read? A. Yes sir, I think there was.

"Q. Can you state as to the best of your recollection what the discussion was and who participated in it? A. We were all astounded at the letter. We were very much surprised. First I had ever heard of it and I think the comments were brief—I don't recall exactly. Then Mr. Rutherford made quite a statement directly to Mr. Moyle.

"Q. Did anyone other than yourself make comment at that time? A. I do not recall that I made comment but I know some others did.

"Q. This statement as to the discussion wasn't a comment made by you. A. No sir.

"Q. Was there any other matter taken up at that meeting other than the letter from Mr. Moyle? A. Not that I recall.

"Q. And how long did the meeting last? A. If I recall correctly it was called for ten o'clock and it lasted until nearly noon.

"Q. And during all that time was all the time



taken up by discussion of the letter? A. I don't recall.

"Q. Do you recall that a resolution was adopted at that meeting? A. Yes sir.

"Q. And who read the resolution, if it was read? A. I don't recall—I would have to—

"Q. May I ask you this—was the resolution or a resolution read at that meeting? A. Yes sir.

"Q. And was it typewritten, do you recall? A. As I recall a Committee was appointed and they met in another room and after some time—I know we had to wait for them a while—they brought in a typewritten copy.

"Q. Do you know who the committee was? A. Sullivan, Riemer and Suiter.

"Q. Well, before they retired into this room, was there any suggestion made by anyone that there should be a resolution? A. Yes it was upon motion of Mr. Sullivan that a committee be appointed to meet and make recommendations.

"Q. And did the directors adjourn to await the coming in of a resolution, or did they sit there? A. Just simply sat there waiting for them?

"Q. Can you recall how long it took for the committee to return? A. Well it seems to me about half an hour.

"Q. And when they came back they had this typewritten resolution? A. They brought it in, yes sir.

"Q. Did anyone read it? A. Whoever had charge of it said 'we recommend the following'.

"Q. And it was read aloud to the directors? A. Yes sir.



"Q. Do you recall the contents of the resolution? A. It's printed here (witness taking paper) "At a joint meeting—

"Q. I don't want you to read it, I just asked you whether you recall anything contained in the resolution? A. It was a pronouncement that Mr. Moyle had acted contrary to the interests of the Society—'For four years past the writer had been entrusted with matters—

"Q. I call your attention to the resolution which you have just referred to, and particularly that part which reads: 'For four years Moyle was entrusted with the confidential matters of the Society, and then, without excuse, he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters—

"Q. Suppose you read just the parts of the resolution—I want to get that clear. A. (Witness reading from paper) At a point meeting of the Boards of Directors of the Pennsylvania Corporation and the New York corporation of the Watchtower Bible & Tract Society held at the office of the Society at Brooklyn, New York, this 8th day of August, 1939, at which other members of the family were present, there was read to said boards and in the presence of O. R. Moyle a letter dated July 21, 1939, written by said Moyle and addressed to the president of the Society. 'For four years past the writer of that letter had been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family of God at Bethel, and identifies himself as one who speaks evil against



the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Cor. 4:13; Rom. 14:4)

"The members of the board of directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and his actions, and recommend that the president of the Society immediately terminate the relationship of O. R. Moyle to the Society as legal counsel and as a member of the Bethel family. Signed T. J. Sullivan, H. H. Riemer, Grant Suiter."

"Q. In that resolution mention is made that Mr. Moyle was a 'murmurer'—you attended the meeting in reference to the leter that he wrote? A. Yes sir.

"Q. In that letter which was read, I call your attention to one of the items where he mentions that some of the members of the Bethel family were mistreated and humiliated by the President of the corporation and ask you whether you were present on any occasion when the President had occasion to talk to these men and object to any of their activities.

"Mr. Covington: What men do you mean?

"Q. McCauley; McCormick; Knorr; Prosser; Price; Van Sipma and Van Ness. A. I object to the words 'humiliated' and 'mistreated'.

"Q. I am asking you, without criticizing the nature of any talk, for the present, of any of these people, whether he did criticize them? A. As the head of the family he had a right to admonish members of the family if they did what he believes was not in accordance with the rules.



"Q. I don't want your judgment of it, Mr. Van Amburgh—all I want to ask is whether he ever did criticize those people. A. He did that occasionally to call attention to derelictions, yes.

"Q. He did criticize them in your presence? A. Some of them—not all.

"Q. Then I call your attention to an item in the letter on the subject of marriage where Mr. Moyle mentioned that one of the brothers had left Bethel for the purpose of getting married—do you know who that brother was? A. No, sir.

"Q. And that he was refused later the privilege of pioneering in New York—do you know of any such brother who had left and had been refused the privilege of pioneering? A. No sir.

"Q. Did you know that Bonnie Boyd had married and left Bethel at one time? A. Married and left Bethel?

"Q. May I ask you this—did you know Bonnie Boyd? A. Yes sir.

"Q. Wasn't she the wife of William Heath? A. Yes sir.

"Q. Do you recall the time of her marriage? A. It was some time during 1938.

"Q. Prior to her marriage she was a resident of Bethel, was she not? A. Yes sir, for years.

"Q. Didn't she, at the time she married Mr. Heath, leave Bethel for a while? A. No sir.

"Q. She and her husband took up residence at Bethel did they not, after the marriage? A. Yes sir.

"Q. So she continued to live there first unmarried and then continued her residence with her husband, Mr. Health, at Bethel? A. Yes sir.



"Q. They are now residents there? A. They are in California now.

"Q. Wasn't there a printed rule that both parties to the marriage must have resided at Bethel five years prior to the marriage? A. Generally to that effect but that was not always carried out.

"Q. Do you know of any other case other than the Boyd and Heath case where it was? A. Yes sir.

"Q. Do you know the names? A. Adam Donald and I can't recall the wife's name.

"Q. How long ago was that? A. About 1933 or 4—Donald was at Bethel a long time and he married a sister from Texas.

"Q. Were there any cases where unmarried members of Bethel had married and not returned after they were married? A. Yes, several.

"Q. Many of them? A. I don't know.

"Q. This printed rule about marriage—how long has that been in effect? A. Oh, the book of rules was printed about 1909 when we first came to Brooklyn.

"Q. Was the rule printed there at that time? A. I don't recall but I know we had a book of rules.

"Q. Was a printed book of rules given to each member of Jehovah's Witnesses at Bethel? A. I understand so—I have one.

"Q. Have you a copy of your book of rules with you here? A. No.

"Q. You could produce it? A. Yes.

"Q. Do you recall the substance of that rule about marriage? A. Not offhand—it didn't affect me.

"Q. Do you recall that the rule, in substance, stated that a party to a marriage must have resided at Bethel five years in order to have the married couple reside there? A. I would have to look it up—I could not recall that.

"Q. How many occupants of Bethel were there approximately in August, September and October, 1939? A. I would say approximately 175.

"Q. Have you eaten all your meals there, or did you, at that time? A. Yes sir, except when I was away.

"Q. What was the system of meals—are all the members or occupants usually at a meal or do they come in in sections? A. The order is very punctual. The bell rings at five minutes to seven in the morning and at 7 or 7:03 all are in our seats until 7:25 or 7:30 and we go to work. At noon the bell rings at 12:15 and we are supposed to be in our seats for dinner. The same thing at supper—we might have a second table if some are late and cannot get there.

"Q. Between 1935 and 1939 what were your activities at Bethel? A. The same as they are now—secretary and treasurer.

"Q. Did you see a great deal of Mr. Moyle? A. Not very much.

"Q. Did you see him at meals? A. Yes sir.

"Q. How often would you say you saw him during a week? A. Whenever he was there—his table was quite a distance from mine.

"Q. Was this a large room? A. Yes sir, large dining room, five large dining tables.

"Q. All in one room? A. All in one room.

"Q. Do you recall who was present at the informal meeting? A. I think the full membership



of the Board as I recall it. Mr. Covington called my attention—at that meeting there were three who were not present and signed it later, after reading it.

"Q. You say all but three of the signers were present at that meeting? A. Yes sir.

"Q. Who were the signers who were not present at the meeting? A. Mr. Wise, Mr. Woodworth and Mr. Goux were not present at that meeting.

"Q. This informal meeting was held about when? A. About September 21st, if I recall correctly.

"Q. Was any record kept of minutes of the meeting? A. No sir.

"Q. And how was it called? A. As I recall, the president asked members of the various Boards to meet him in his office.

"Q. Just on short notice? A. Just on short notice, yes sir.

"Q. So that the president, I take it, had the article all prepared when he called you in at the meeting, ready to read it and ask your signatures for it? A. I don't recall whether he had or whether he outlined it while we were there and we signed it.

"Q. Didn't you say a while back that three of the men did not sign the letter until afterwards and the others did sign the letter at that time? A. Yes sir.

"Q. So that the letter was signed, or the article entitled 'Information' was signed at that meeting by all except the three mentioned? A. Yes sir."



Mr. Bruchhausen: At this point the plaintiff offers in evidence the first alleged libel entitled "Information" which has just been referred to in this testimony.

Mr. Covington: We have no objection.

Mr. Bruchhausen: It appears in the "Watch Tower" magazine dated October 15, 1939. The defendants, as I understand, concede that both the defendant corporations published and circulated the "Watch Tower" magazine.

Mr. Covington: That is right.

The Court: It is so conceded.

Mr. Bruchhausen: This article, "Information" I will read to you ladies and gentlemen of the jury.

(Received in evidence and marked Plaintiff's Exhibit 1 and read to the jury by Mr. Bruchhausen.)

Mr. Bruchhausen: I would like to also offer another part of the "Watch Tower" entitled "Its Mission."

Mr. Covington: We have no objection to that entire pamphlet.

The Court: You have no objection to what?

Mr. Covington: To the entire fly-leaf, the inside cover, going in.

Mr. Bruchhausen: I will just put in the parts entitled "Its Mission."

Mr. Covington: No objection.

(Received in evidence and marked Plaintiff's Exhibit 2.)



Mr. Bruchhausen: I will read that clause to the jury.

(Mr. Bruchhausen reads Plaintiff's Exhibit 2 to the jury.)

Mr. Covington: If you are going to offer two paragraphs, why don't you read both paragraphs?

Mr. Bruchhausen: I have no objection to that.

Mr. Covington: I offered them. I think you ought to read them.

The Court: If you have any statement to make address it to the Court.

Mr. Covington: He should read the first paragraph.

Mr. Bruchhausen: I have no objection to reading it.

The Court: Please read it.

(Mr. Bruchhausen reads first paragraph to the jury.)

Mr. Bruchhausen: I offer in evidence this letter—I am sorry, I did not put it in evidence before—we have been talking all around this letter of July 21st. I have a copy of it here.

The Court: Is that the letter that the plaintiff wrote?

Mr. Bruchhausen: Yes, to Judge Rutherford.

The Court: Is there any objection to it?

Mr. Covington: I think that the original would be the best evidence.

The Court: Yes, if you have it. Take the original.

Mr. Covington: Here is the original.



Mr. Bruchhausen: I offer in evidence the original letter written by the plaintiff, Olin R. Moyle, to Judge J. F. Rutherford, dated July 21, 1939, and a note attached to it addressed to the same, and signed by Mr. Moyle, also dated July 21, 1939.

Mr. Covington: There are two separate letters. There is one big letter and then a little introductory letter.

The Court: Did you want them marked separately?

Mr. Covington: Yes.

The Court: Mark them separately.

(The letters referred to received in evidence and marked Plaintiff's Exhibits 3 and 4, respectively.)

(Mr. Bruchhausen thereupon reads Plaintiff's Exhibits 2 and 3 to the jury.)

Mr. Bruchhausen: I would like to continue with Mr. Van Amburgh's deposition at the point where we were discussing the article "Information" just to clarify. You recall that the first letter written was by Mr. Moyle to Mr. Rutherford on July 21, 1939, and then this resolution was adopted by the Board of Directors on August 8, 1939, and then subsequently, in September, this article entitled "Information" which I read, was signed by the members of the Board of Directors and included the resolution that was adopted on August 8th. I will now continue reading the deposition.

(Mr. Bruchhausen continued reading.)



"Q. So that this was already prepared for signature? A. When we signed it?

"Q. When you signed it. A. Yes sir.

"Q. I call your attention to a part of that article 'Information', already referred to—the last paragraph which reads, in part: 'For four years Moyle was entrusted with the confidential matters of the Society, and then, without excuse, he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord.' You recall that statement which I have just read is part of the article entitled 'Information'? A. Yes, sir.

"Q. What information did you have at the time you signed that article that the plaintiff, Moyle, was unfaithful to his trust—

"Mr. Covington: (Whispering to witness)

"Mr. Bruchhausen: May I have his answer, Mr. Covington—I think these are vital matters and while I at times ask for information, I would like to have the witness' answer and if he cannot recall, the record will show that.

"Mr. Covington: I asked you to examine Mr. Howlett first.

"Mr. Bruchhausen: If he doesn't know any of these questions, I would be glad to have it on the record, but I think it is important to have his testimony.

"A. The president stated in regard to the matter—explaining, so far as I recall.

"Q. He made a statement about it? A. About the inconsistencies of Mr. Moyle's activities.

"Q. Did you know before the president made the statement on September 21st of anything wherein Mr. Moyle was unfaithful? A. Except as stated in his letter of July 21st.

"Q. You knew of nothing else? A. Personally I had very little to do with Mr. Moyle.

"Q. Were you present at the trial? A. No sir.

"Q. Did you have any participation in any legal matters that Mr. Moyle handled? A. No sir.

"Q. Was there any statements made by anybody at any time other than the instances you have referred to, that Mr. Moyle didn't perform properly as a lawyer for the corporation? A. Nothing.

"Q. And he handled a great many legal matters for the corporation in the four year period after 1935? A. Yes sir.

"Q. Do you know whether anyone in the organization procured a copy of the stenographer's minutes of the Magistrate's Court proceeding that you have alluded to? A. I don't know.

"Q. Have you ever read the minutes of that trial? A. No sir.

"Q. In the part of 'Information' which I previously read to you, mention is made about Judas. You are familiar with that character in the Bible are you not? A. Yes sir—never met him though.

Q. Did you know who the name alluded to? A. Yes sir.

"Q. Am I correct in stating it alluded to one who betrays his trust? A. Yes sir.



"Q. Well at least before the trial which you have alluded to you never heard anything about the alleged improper activities of Mr. Moyle as a lawyer or as a member of Bethel, had you? A. Not that I recall.

"Q. In all the four years he was a resident there you never heard any objection by anyone of his activities as a member of Bethel or as a lawyer for the organization? A. Not that I recall—I never discussed it.

"Q. Who directed this article 'Information' to be printed in Watch Tower? A. The president.

"Q. Is there any rule as to publication of articles in Watch Tower—what is the procedure? A. The president is in charge of all the work and it is up to him to decide what articles went into it.

"Q. He did that independently of the Board of Directors and had full authority to publish matters in the Watch Tower? A. Yes sir.

"Q. Was there anyone who composed the articles for the Watch Tower—any one assigned to that task? A. I don't know.

"Q. Are there any rules or regulations in connection with publishing and circulating the Watch Tower? A. Not that I know of.

"Q. Anything in the records or in the book of rules or any other documents or papers that you have about procedure to be followed for publishing and circulating the Watch Tower magazine? A. No.

"Q. I would call your attention to another article entitled 'Snares' which was printed in the Watch Tower magazine on or about November



15, 1939, have you heard of that article? A. Yes sir."

Mr. Bruchhausen: I offer in evidence, if your Honor please, at this time, the "Watch Tower" magazine of November 15, 1939, which included the article entitled "Snares," the first article in the magazine.

The Court: Are you offering the whole magazine?

Mr. Bruchhausen: Just the "Snares" article.

The Court: Is there any objection?

Mr. Covington: No objection.

(Received in evidence and marked Plaintiff's Exhibit 5.)

Mr. Bruchhausen: If your Honor please, to avoid confusion, I would like to modify my offer of that article and only offer that part of it which I now read and which is the part alleged in the complaint in this action. It is a very long article.

Mr. Covington: May it please your Honor, as we understand the rule, we would object to introducing the part of the article because the law is that the entire article must be considered.

The Court: Just say you object. The objection is sustained. I will take the whole article.

Mr. Bruchhausen: Exception. May I read it at this time, if your Honor please, that part of the article which is referred to in the complaint in this action?



The Court: You may read whatever part you wish.

(Mr. Bruchhausen thereupon reads from Plaintiff's Exhibit 5.)

Mr. Bruchhausen: I understand that the defendant concedes that the defendant-corporations, both of them, published and circulated that "Watch Tower" magazine.

Mr. Covington: I thought he was going to read the entire article.

The Court: I am not going to make him read the entire article. You may have an exception.

Mr. Covington: We except.

The Court: We are dealing with the concession that the defendant concedes the statement made by Mr. Bruchhausen.

Mr. Covington: Yes.

Mr. Bruchhausen: I think I have said that it is the part which we have alleged in the complaint.

The Court: I was talking about the circulation.

Mr. Bruchhausen: There is a concession.

The Court: It is so conceded.

Mr. Covington: Except that I may show, so there will be no misunderstanding, that there was the Watch Tower Bible & Tract Society in New York and Pennsylvania, two corporations, which published this article.

Mr. Bruchhausen: And circulated it.

Mr. Covington: No other concessions made.



Mr. Bruchhausen: Referring back to the examination of Mr. Van Amburgh, I think I read this question, but I will read it again:

"Q. I call your attention to another article entitled "Snares" which was printed in the Watch Tower magazine on or about November 15, 1939, have you heard of that article? A. Yes, sir.

"Q. You received copies of the Watch Tower, did you not? A. Yes, sir.

"Q. Mailed to you or delivered to you? A. Delivered to us at Bethel.

"Q. Personally delivered? A. Each member gets a copy—each member of the family gets a copy by mail.

"Q. Have you read that article "Snares" in recent times? A. Yes, sir.

"Q. How recently did you read it? A. Day before yesterday."

This examination was taken on June 25, 1942, so "Day before yesterday" would be in June, 1942.

"Q. You recall 'If a man claims to be concentrated to God and is a lawyer and appears in court as counsel for another consecrated person and then conducts himself and the case on trial in such a manner that he might receive the approval of other men in the Court, such lawyer is a man-pleaser and proves his unfaithfulness to God and to the kingdom', do you recall that statement? A. Yes, sir.

"Q. There is no one else that you know of that conducted the case for the organization



whom anyone then referred to or stated was a 'man-pleaser' or improperly conducted himself on the trial, was there? A. I don't recall.

"Q. And members of Jehovah's Witnesses are within the category of consecrated persons, aren't they? A. Yes, sir.

"Q. Do you recall hearing anything about the article 'Snares' before it was published in the issue of Watch Tower on or about November 15, 1939? A. No, sir.

"Q. You can't think of anyone in the organization or elsewhere to whom that article alluded to—other than Mr. Moyle, can you? A. I don't—off hand.

"Q. Was there any discussion with anybody in reference to this article 'Snares' that you know of, before its publication? A. No, sir.

"Q. When did it first come to your attention that there was such an article? A. When I read it in the Watch Tower I received.

"Q. Did you talk to anyone about it afterward? A. Not that I recall.

"Q. Did you make any comment about it afterward? A. Not that I recall.

"Q. Did you make any inquiry about it? A. No.

"Q. Do you know who prepared that article 'Snares'? A. No, sir.

"Q. Were there any other lawyers living in Bethel between May, 1935, and May, 1939? A. I don't recall between 1935 and '39—we had a lawyer there at one time.

"Q. You don't know of any? A. No.

"Q. At least you know there was no complaint about any of the activities about any lawyer other than what you have testified about, as to Mr. Moyle? A. No.

"Q. No lawyer who has appeared in court for the organization, or either of them, within your knowledge, has been charged by anybody to betray their trust? A. During that time, from 1935 to 1939?

"Q. That's right, yes. And your answer is? A. No.

"Q. Did you know that the article 'Information' and the article 'Snares' have been read at meetings in different parts of the country? A. I don't know; about the article 'Snares', that was a chief article and those chief articles are usually read at what we call Bible study meetings.

"Q. Is that the usual practice on chief articles? A. Yes, sir.

"Q. How is an article designated as a chief article? A. First article in the Tower.

"Q. So the first article is usually read at meetings? A. Yes, sir.

"Q. Is that a printed rule of the organization? A. No, sir.

"Q. But it is general practice? A. Yes.

"Q. And those meetings are held all over the country, aren't they? A. Yes, sir.

"Q. In all states? A. Yes, sir.

"Q. Who supervises those meetings? A. Usually a leader—each class of study or study class has a leader.

"Q. Is there any directing head of the meetings anywhere who tells them what to do and how to do it? A. We have a general office.

"Q. Whose duty is it at Bethel to keep contact with or make suggestions to these leaders in different parts of the country? A. We have a department for that purpose.



"Q. Who is in charge of that department? A. Mr. Sullivan.

"Q. And he was in charge in 1939? A. I think so.

"Q. Did he carry on correspondence with these leaders? A. I believe he did.

"Q. Was that by letter? A. Probably.

"Q. Would you have copies of those letters? A. I don't know.

"Q. Were copies of correspondence in your files? A. Files at the factory.

"Q. Is that where all letters are written? A. Yes.

"Q. And Mr. Knorr is now in charge of that factory? A. Yes, sir.

"Q. The factory you refer to is the printing office at 117 Adams Street, Brooklyn, New York, isn't it? A. Yes, sir.

Q. And it is still at that place? A. Yes.

Q. Is there any part of the organization housed there other than the department for the printing and circulating the Watch Tower magazine and other publications—any other publications of the organization? A. We publish another paper called 'Consolation'.

"Q. The printing office on Adams Street is in the main used for the printing and publishing and circulating of the Watch Tower magazine and other papers and pamphlets used by the organization? A. Yes, sir.

"Q. Are these leaders—I think you referred to them as leaders in different parts of the country—are how many? A. I don't know.

"Q. Do you know what the organization consists of—is there a representative appointed for



each state or a number of states? A. I am not in touch with that part of it.

"Q. Do you know who has knowledge on that subject? A. Mr. Knorr probably has."

Then we skip to 65:

"Q. You say that Judge Rutherford had sole power to publish in the Watch Tower, is that correct? A. Yes, sir.

"Q. The Boards of Directors approved of that—they gave him the power? A. Yes, sir.

"Q. In this dining room you had five tables you say? A. Yes, sir.

"Q. How large was the room? A. Each table will hold about forty.

"Q. How large was the room? A. About 75 feet one way by 40—wait a minute—it must be 70 feet wide and about 80 feet long.

"Q. Do all the officers sit at your table? A. No, sir.

"Q. Moyle ever sit at your table? A. No, sir.

"Q. They had assigned places where they sat? A. Yes, sir.

"Q. How far away was that? A. Mine was table #1 and his #4.

"Q. How far was that? A. Forty or fifty feet.

"Q. Judge Rutherford wasn't at meals at all times was he? A. Not all times—whenever he was there he was.

"Q. Was he away a great deal? A. Yes, sir.

"Q. Months at a time? A. Yes, sir."

Skip to 69:

"Q. Turning back to August 8, 1939, wasn't



Mr. Moyle ordered to leave within 24 hours after that meeting? A. Yes, sir.

"Q. Who ordered him to leave? A. The president.

"Q. And he did leave? A. Yes, sir.

"Q. At that meeting, Judge Rutherford was pretty much excited about this letter? A. I don't recall that he was.

"Q. Didn't he indicate that he was disturbed about it? A. He was disturbed about it but not excited—he was self-controlled."

Skip to the top of page 70:

"Q. So that his departure was expedited by Judge Rutherford, was it not? A. Yes, sir.

"Q. You say the resolution requested that he leave? A. I believe so.

"Q. Will you point it out in the resolution? A. Doesn't it say he was requested to—'the members of the board of directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and his actions and recommends that the president of the Society immediately terminate the relationship of O. R. Moyle as legal counsel.'

"Q. Did you discuss that he be turned out within 24 hours? A. I don't know."

That concludes the examination of Mr. Van Amburgh. I will now start with another examination.

The Court: We will now adjourn until two o'clock. Please be back here promptly at two and please don't discuss the case even among yourselves.

(Whereupon an adjournment was taken until two o'clock p. m.)



AFTERNOON SESSION.

Two o'clock p. m.

(Trial resumed.)

HARVEY FINK, Wauwatosa, Wisconsin, called as a witness in behalf of the plaintiff, being first duly sworn, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. What is your business, Mr. Fink? A. I am a food broker.

Q. Where is your place of business? A. In Wauwatosa, Wisconsin.

Q. Does that take you to different parts of the country? A. It does.

Q. Were you a member of Jehovah's Witnesses organization? A. Yes, I was.

Q. When did you become connected with it? A. Approximately in 1922.

Q. Did you afterwards assume some office there? A. Yes, I had several offices.

Q. When first were you elected or inducted into office? A. I don't exactly remember the dates, but I had several positions such as company servant and regional servant—not regional servant, but similar services.

Q. The organization has what they call regions, is that correct? A. Yes, it has.

Q. Is that the zoning of the country into different regions? A. Yes.

Q. There is more than one state in a region? A. In the regions there were more than one state in some instances.

Q. Do you know what states were included



in the region that included the State of Wisconsin? A. I wouldn't know that.

Q. Then these companies, what did they consist of? A. They consisted of individual groups or, as we called them, classes too, which were made up of members of Jehovah's Witnesses which met periodically for meeting purposes and service activities.

Q. The company you were connected with was located in what place? A. In Milwaukee.

Q. About how many members were there of that? A. We had an attendance on Sundays—

The Court: He did not ask you that. He asked you if you knew how many members—

Mr. Bruchhausen: I will withdraw the question.

Q. How many attended on the average at those meetings? A. At our largest meetings, about two hundred.

Q. Were they all members of Jehovah's Witnesses? A. No. Some came periodically and others regularly.

Q. Were the meetings open to the public? A. Yes.

Q. And you were at all times endeavoring to get the public into the meetings, is that correct? A. Yes, by invitation.

Q. You became a zone servant, did you say? A. Yes, I did.

Q. Did that mean that you had charge of the company? A. That meant that I had charge of several companies that comprised a zone.

Q. Where other than in Milwaukee were the

companies that you had charge of? A. Racine, Wisconsin, Kenosha, Janesville, Beloit, Madison, Lake Mills, and there may have been one or two others that I don't recall.

Q. They are all within the radius of how many miles of Milwaukee? A. I would say within the radius of eighty to one hundred miles.

Q. And did you attend meetings at those various places? A. Yes.

Q. Can you state what the attendance was at those particular places on the average? A. They varied because the classes varied in sizes, and I would not be able to state exactly how many or even approximately how many would attend the meetings at all times.

Q. But there were a number of attendants at those meetings? A. Yes.

Q. How long have you been acquainted with the plaintiff, Olin Moyle? A. Oh, since about 1922.

Q. Did that acquaintanceship arise through your activities with Jehovah's Witnesses? A. Yes, it did.

Q. Was he associated with the class in Milwaukee or near-by? A. In a near-by class, and then he would serve our Milwaukee class as a speaker from to time.

Q. Do you recall Mr. Moyle returning to Wisconsin in the month of August, 1939? A. I do.

Q. Was there anything said by him or you as to his reason for returning? A. Well, he told me on his return the reasons for his returning.

Q. What did he say?

Mr. Covington: We object to any



hearsay statements, ex parte statements made by Mr. Moyle.

The Court: Objection sustained.

Q. Did you read an article in the "Watch Tower" of September 1, 1939, and I show you the issue of that magazine of September 1, 1939, and ask you whether you read the article entitled "For Your Information" (handing to witness)? A. Yes, I read that article.

Mr. Bruchhausen: I offer that article in evidence.

The Court: Show it to your opponent.

(Mr. Bruchhausen shows article to Mr. Covington.)

Mr. Covington: No objection.

The Court: It will be received.

(Paper referred to received in evidence and marked Plaintiff's Exhibit 6.)

(Mr. Bruchhausen reads Plaintiff's Exhibit 6 to the jury.)

Q. Was that article discussed by you or by any members of the Watch Tower organizations? A. Presumably it was.

Q. Did anyone talk to you about it after it appeared?

Mr. Covington: We object—

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

Q. What can you say, if anything, about the activities of Mr. Moyle in showing or reading his letter in Milwaukee or around there?



The Court: He is referring to his letter to Mr. Rutherford.

A. The first I saw of the letter was when Mr. Moyle returned. I did not know of any other person outside of my wife who had read the letter, and she read it at the same time I did. Mr. Moyle did not read that letter to my knowledge to anyone else.

Q. Do you recall Mr. Matthew Howlett coming out to Milwaukee in the month of September, 1939? A. I do.

Q. Did he ask you to call a meeting or did anyone ask you to call a meeting of the members of the class over which you presided or any class? A. He did not ask me to call that meeting, as I remember, but the meeting was called.

Q. Was it called at the request of Mr. Howlett, do you know? A. It was.

Q. Who was Mr. Howlett? A. Mr. Howlett was a representative of the society at their Brooklyn office.

Q. Did you talk to Mr. Howlett? A. Briefly, yes.

Q. Did he state to you his reason for coming out there? A. He did.

Q. What did he say? A. He said he had a letter on his person directing him to assume my duties as zone servant and notifying the assembled companies of my dismissal.

Q. Did he give you that letter? A. No, he did not.

Q. Were you dismissed? A. I was.

Q. At that time? A. At that time.

Q. Did you attend the meeting that was pre-



sided over or at which Mr. Howlett addressed those in attendance? A. Yes, I did.

Q. And was that about September 24, 1939, in Milwaukee? A. Yes.

Q. Was that in the company room where the class in Milwaukee attended? A. Yes, in the Odd Fellows Temple.

Q. About how many were present at that meeting? A. Considerably, I believe, over two hundred.

Q. Do you know how they had been summoned to the meeting? A. I don't know except that outside classes, members of the entire zone, were requested to come into Milwaukee, which they did.

Q. It was a special meeting, was it not? A. Yes. That accounted for the larger than usual attendance.

Q. And did Mr. Howlett read any statement at that meeting? A. Yes, he did.

Q. And was that the article "Information" that has been referred to here?

The Court: Which article are you referring to now?

Mr. Bruchhausen: Exhibit 1.

The Court: Here it is, showing him Plaintiff's Exhibit 1 (handing to witness).

A. I don't remember whether that was exactly what I read word for word, but it contained substantially the same information.

Q. But he did read from some paper? A. He did, yes.

Q. Do you recall the substance of what he read? A. Yes. First of all, he notified the as-



sembled companies that I was to be dismissed as zone servant pending some correspondence between myself and Mr. Rutherford, and then he went on to elaborate upon the reasons for Mr. Moyle's leaving Brooklyn and the various details referring thereto.

Q. And was Mr. Moyle present there? A. Yes, he was.

Q. And did he make a statement? A. He did not.

Q. Did anything else transpire at that meeting other than what you have just testified to? A. Not that I can recall specific details of.

Q. Was there any discussion by any of the members of Jehovah's Witnesses arising out of this article of September 1st dismissing Mr. Moyle for unfaithfulness or the meeting of September 24th? A. Yes, quite considerable—

Mr. Covington: Just a minute. That would be immaterial. I should like to know whether or not it was on the occasion of Mr. Howlett's visit and where he made public the article "Information"—

The Court: Objection sustained. He wants you to fix the time and place.

Mr. Bruchhausen: I want to point out to your Honor that some of this testimony bears on what we think we are entitled to prove showing the effect that these articles had on people who were friendly to Moyle.

The Court: You can make a tender of any testimony you want, and I will rule on it as it comes along.



Q. Going back to this article of September 1st, before Mr. Howlett arrived there, did any of the members of Jehovah's Witnesses talk to you about that article?

Mr. Covington: We object to that.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

Q. Did any of the class, those in attendance at the meeting at which Mr. Howlett addressed, did they talk to you about the meeting or what had transpired? A. Yes, they did.

Mr. Covington: That would be objected to unless it was in the presence of Mr. Howlett.

The Court: He said with Mr. Howlett —didn't you?

Mr. Bruchhausen: I said arising out of that meeting.

Q. Can you give the details of that as to where it took place and with whom? A. Where what took place?

Q. Any discussion arising after the meeting of Mr. Howlett. A. The discussion took place several discussions took place with me as well as among other of those attending.

By the Court:

Q. And who else was there? A. Generally the entire assembled companies. Specifically, I don't recall just exactly to whom I spoke at that time or who spoke to me on the subject, there being so many.

By Mr. Bruchhausen:

Q. But they were attendants of the class at Milwaukee? A. Yes.

By the Court:

Q. That is, the general class? A. The general class.

By Mr. Bruchhausen:

Q. Was that at the meeting itself? A. Yes, after, and some before even.

Q. Just take before the meeting, what transpired.

Mr. Covington: Just a moment. Was it a public discussion or a private discussion?

The Court: It is a public discussion. He has already testified that they were in the so-called class meetings. You understand we are talking about class meetings, not any group of two or three.

The Witness: Then I will have to change that testimony, your Honor. I was under the impression you meant individual discussion between me and somebody else.

The Court: You are not being asked about that at all, as I understand it.

By Mr. Bruchhausen:

Q. Mr. Fink, if I may direct your attention to any class discussion prior to the Howlett meeting. A. No general class discussion, no.

Q. Was there any class discussion at the Howlett meeting other than what you have testified



to or afterwards? A. No, the meeting was in charge of Mr. Howlett, and he conducted whatever discussion there was.

Q. Then the references you make to discussions are with smaller groups? A. Yes.

Q. What discussions did you have after the September 1st meeting or article with any of the smaller groups, and about when did they transpire? A. I would not be able to answer that specifically. I don't recall.

Q. Give us your best recollection. A. That is prior to Mr. Howlett's visit?

Q. Yes, prior to Mr. Howlett's visit and after the article about Mr. Moyle's being dismissed for unfaithfulness of September 1st. Was there any discussion with any small group of people about that article? A. Not general discussions particularly, no.

Q. Was there any discussion? A. Yes, individual discussions, yes. Quite a few came to me and asked me what that was all about.

Q. And what did you say? A. And I said that—

Mr. Covington: Was that at the public meeting?

The Court: No, this was not in the public meeting. It has to do with the September 1st publication, Plaintiff's Exhibit 6, which is "For Your Information," which is not the subject matter of this suit.

Mr. Bruchhausen: Do I understand your Honor sustains the objection?

The Court: I have not heard an objection yet.



Mr. Bruchhausen: Will you read the question, please?

(The question was repeated by the reporter.)

Q. (Continued) Will you continue your testimony as to what was said? A. These people wanted to know why this particular—

Mr. Covington: Please tell us what you are talking about.

The Court: Counsellor, if you will please listen and let me run this court-room, we will get along.

Mr. Covington: I object to this line of testimony.

The Court: Objection sustained.

Mr. Bruchhausen: Exception. I again say to your Honor that I am endeavoring to establish the effect of these articles on these people who were members of Jehovah's Witnesses and friends.

The Court: The objection is sustained. Exception to the plaintiff.

Mr. Bruchhausen: Exception.

Q. Do you know of any issue of this letter by or on behalf of Mr. Moyle between the time he arrived out in Milwaukee in August, 1939, and November 15, 1939, when the article "Snares" appeared? A. No, I don't.

Q. Did you see him often? A. Yes, daily.

Q. Did you reside near where he lived? A. Mr. Moyle maintained offices that I placed at his disposal.

Q. Did you have occasion at any time prior



or even including November 15th when the "Snares" article was published to talk to anyone about those articles, or did anyone talk to you about them? A. Yes.

Q. Can you give us any details about that? A. Naturally the accusations made against Mr. Moyle provoked considerable comment when they were published in the Tower. Most of the friends there believed that such publication was uncalled for.

Mr. Covington: I object to that—

The Court: Objection overruled. Exception to the defendant.

Q. Did you notice that it had any effect on some of the members as to their attitude—

The Court: We are referring to the article that appeared, that is Plaintiff's Exhibit—

Mr. Bruchhausen: I will embrace all of the articles, if your Honor please.

Q. Did you notice any effect that the articles I referred to, September 1st, October 15th and November 15th, had on any of the members out there?

Mr. Covington: I object to that.

The Court: Objection sustained as to the article of September 1st.

Mr. Covington: We make the specific objection that it calls for argument and a conclusion and opinion on the part of the witness.

The Court: I have already sustained the objection to a part of the question. So we



will have a new question, and you may object to that if you care to.

Mr. Bruchhausen: May I submit as to the article of September 1st that it does bear on the issue of malice?

The Court: It may later on, but at this time I think it is incompetent.

Mr. Bruchhausen: I respectfully except.

Q. Restricting my question to the effect that the articles of October 15th and November 15th had on any of those with whom you conferred, can you give any details about that? A. Yes. It influenced—

Mr. Covington: We object to that because it calls for a conclusion and opinion on the part of the witness and invades the province of the jury.

The Court: Objection overruled. Exception to the defendants.

Q. Will you proceed? A. The articles that appeared influenced the minds of the readers against Mr. Moyle on the grounds that they considered the Watch Tower to contain a message from God, and as such, it wasn't open to question.

Q. And did they then become unfriendly to Mr. Moyle? A. Yes, they did.

Q. And did you notice any change of attitude in these companies that you visited? A. Yes, quite a considerable change.

Q. Those companies were located in the places that you mentioned? A. Yes.



Q. How long did you remain a member of the Watch Tower organization? A. Until the following spring.

By the Court:

Q. What spring is that? A. 1940.

By Mr. Bruchhausen:

Q. Then you withdrew? A. I withdrew. I no longer attended their meetings.

Q. Did you express any reason to the Watch Tower as to the reason for your withdrawal? A. No, I didn't.

Q. Can you state any reason for your withdrawal? A. Yes.

Mr. Covington: I object to that as argumentative.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

Q. Did you become affiliated with any other organization? A. No, I did not.

Q. Did you continue your studies in any way. A. At our home we continued our studies.

Q. That is, you had meetings there with smaller groups? A. Yes, a few people met there with me.

Q. May I ask you, referring to the meeting with Mr. Howlett—prior to Mr. Howlett arriving in Milwaukee and attending the meeting, which I think was September 24th, do you recall the meeting at which Mr. Moyle attended and read a statement? A. Yes.

Q. Do you recall about when that was? A. Not specifically. It might have been just about

two weeks before Mr. Howlett came to Milwaukee. I do not have the date.

Q. Would you recall the statement if some paper were shown to you? A. Yes, I believe I would.

Q. I show you a paper and ask you if that refreshes your recollection and whether that is the statement that Mr. Moyle made on the occasion you just referred to (handing paper to witness). A. Yes, I remember. That statement was made.

Mr. Bruchhausen: I offer it in evidence.

Mr. Covington: No objection. Where is the original?

Mr. Bruchhausen: I am told the original was given to the secretary of the class.

Mr. Covington: We have no objection.

(The paper referred to was received in evidence and marked Plaintiff's Exhibit 7.)

Q. Can you give any details as to how these articles affected people in their attitude toward Mr. Moyle?

Mr. Covington: We take the same objection because it is invading the province of the jury, it is argumentative and calls for a conclusion.

The Court: Objection overruled, exception to the defendants. You are talking about the article which is the subject matter of this controversy?

Mr. Bruchhausen: Yes.



A. The articles prejudiced the readers against Mr. Moyle.

Q. Can you state at any meetings you attended, can you give any details as to what effect it had? Did people shun him in any way, or what did they do? A. Yes. As time progressed, when Mr. Moyle and Mrs. Moyle sat in a meeting, those that attended finally wouldn't even sit next to them. They permitted two or three chairs both front and back to remain vacant, whereas they sat at a distance from them.

Q. Where did you find that taking place? A. At the general meetings.

Q. In what city? A. In Milwaukee.

Q. Had you visited any other place where that took place or any place that Mr. Moyle attended? A. Not that I recall.

Q. Your main activity was in Milwaukee? A. Yes.

Q. How long did that continue to your knowledge? A. That continued until Mr. Moyle no longer came to any meetings.

Q. Do you know about when that was that he ceased going there? A. Oh, it was a month or so after Mr. Howlett was there. I am not too sure of that, however, the exact elapse of time.

Q. Do you recall Mr. Moyle moving from Wauwatosa to Johnsons Creek? A. Yes, I do.

Q. And that was about when? A. It was March 1, 1941, I believe.

(Mr. Bruchhausen reads Plaintiff's Exhibit 7 to the jury.)

Mr. Bruchhausen: Your witness.



*Cross-examination by Mr. Covington:*

Q. When did you cease to be in harmony with the Watch Tower Bible & Tract Society? A. In the spring of 1940.

Q. And prior to that, you were in full harmony with the society? A. I was.

Q. Were you in full harmony in every action taken by the society? A. No, I wasn't.

Q. What actions taken by the society were you not in full harmony with, please? A. Actions of individuals that were members of the society. I did not consider their actions actions of the society itself.

Q. What individuals are you referring to? A. Individual pioneers, individual company workers and possibly others.

Q. Who do you mean by "possibly others"? A. That could include and did include, of course, Mr. Rutherford or any at the Bethel.

Q. Who at Bethel? A. Members of the service department.

Q. Who? A. Mr. Sullivan.

Q. Who else? A. That is all.

Q. What was your attitude towards Mr. Sullivan and Judge Rutherford? A. Not antagonistic. They periodically send general instructions to all zone servants which I tried to apply to the best of my ability in the particular territory in which I served, but periodically those general instructions were difficult or impossible of applying to our locality, and I asked permission to change them to suit the prevailing conditions there.

Q. Now, for instance? A. A specific instance?



Q. Yes, for instance, what do you base your complaint upon now? A. One of the instructions given to the zone servants was that I was to appoint one study leader to conduct a particular study constantly, month after month, year after year, and that was impractical in several instances in Milwaukee because of the distance these study leaders had to travel in order to get to the place of study. Therefore, in order to break down the amount of work involved and to shift the load, I asked various brethren to take one month at a time, in which case the one man would not have to go on this thirty-five mile trip week after week and month after month. In that and only on matters of that kind did I disagree.

Q. Is that the only objection? A. Yes, that I know of.

Q. That you had against the society? A. With one exception: It was requested by the society that I instruct the various companies to have placards made or used which contained an inscription on it "Religion is a snare and a racket," and we were to parade up and down the streets with them in front of churches and places of that kind, and I objected to the wording on that sign for fear that religious-minded people may not understand that we had no complaint against that worshipping God, and I wrote a letter to Mr. Rutherford suggesting that possibly a different wording of that sign would be more appropriate and would avoid misunderstanding and trouble that we had gotten into in Kenosha.

Q. Is there any other objection? A. Not that I recall.



Q. You stated two specific objections that caused you to quit the society, is that right? A. No, that did not cause me to quit the society at all.

Q. Now what did? A. The fact that I could no longer see evidence in the actions of the society as a whole and many of the individuals that composed the society of a God-like Christian attitude toward their fellow man.

Q. In what respect? A. In that they constantly condemned anyone who did not specifically agree with them, and while they claimed—they yelled intolerance at every turn of the road, they in turn manifested intolerance if someone crossed their path.

Q. When did you see that? A. I could see it coming on for several months prior to the time I left the society.

Q. When did you first see evidence of that? A. Oh, approximately six months.

Q. Was that when Mr. Moyle came back from Brooklyn? A. No. I even saw evidences of that before Mr. Moyle came back.

Q. In what respect? Are you accusing all of the society of that conduct at that time? A. Emphatically not. But certain individuals, possibly over-zealous, would get themselves into difficulty with the people that they visited or with the authorities because of unwise action, and inasmuch as I helped them in their difficulties, sometimes I was forced to admit that they acted unwisely and could have easily avoided difficulty had they been more discreet or more Christian-like in their attitude, and I so told them.

Q. Did you make known your objections to



Judge Rutherford? A. On those points specifically, no.

Q. Why didn't you? A. Well, I felt that that thing wasn't within my jurisdiction.

Q. Well, did you ever call anything, these derelictions that you labeled, to the attention of Judge Rutherford at any time? A. No, I did not.

Q. How come you to discontinue your association with the society then? A. As I stated, I could no longer reconcile the society's claim as being God's representative on earth with their actions toward others, either the brethren or former brethren or other people at large.

Q. What religion do you now belong to? A. I belong to no religion.

Q. What organization are you now associated with? A. I am associated with no organization except that I attend meetings of a little group of people who study the Bible in Milwaukee.

Q. What address is that, what group? A. We meet on Sundays in the Republican House at Third and Kilborn Avenue, Milwaukee.

Q. What publications do you study? A. We have one study on the Bible, the Book of Acts we are studying now, and on Sunday morning we are studying volume one of the Scripture studies written by Pastor Russell.

Q. Who distributes that? A. Who distributes that?

Q. Yes. A. I don't know. There are two organizations through whom we can secure literature.

Q. What two organizations do you obtain literature from? A. The Dawn located here in

Brooklyn and another organization called the Pastoral Bible Institute.

Q. And you have been obtaining literature from those two organizations for how long? A. The little class that I have attended meetings of has been obtaining literature from them ever since I met with them and even before.

Q. Did you ever raise any objection to Judge Rutherford with reference to the unjust treatment that Mr. Moyle received? A. No.

Q. Did you ever raise any objection to Judge Rutherford with reference to the unjust treatment that Mr. Moyle received? A. No.

Q. When did you notice that Mr. Moyle was treated unjustly? A. All I knew of Mr. Moyle's case was what Mr. Moyle told me.

Q. You told about this statement being read in a Milwaukee class in September, didn't you? A. Yes, that was after his return.

Q. That is right. After his return and after you learned the facts shown in the statement, did you ever make your feelings known to Judge Rutherford, please? A. No, I did not.

Q. What were your feelings when you heard the statement read? A. I felt that it was a personal matter between Mr. Rutherford and Mr. Moyle and took no active part in it at all.

Q. When did you join up with Mr. Moyle in the opinions that you have expressed on the witness stand regarding this matter? A. I wish you would repeat that question.

Q. I will withdraw the question. When did you form the opinion that Mr. Moyle had been mistreated? A. Not until after Mr. Howlett had been to Milwaukee and I could see subsequently



the effect of the society's action upon the friends. Up to that time I felt it did not concern me.

Q. And after Mr. Howlett's visit, then you felt it did concern you? A. It did, because I could see corroborated in what happened the very things that Mr. Moyle complained about.

Q. In what respect? A. In the respect of the society's intolerance of anyone who would criticise it or Mr. Rutherford particularly.

Q. Were you in favor of the criticisms leveled by Mr. Moyle against the society? A. If they were truthful, yes.

Q. Do you know whether or not they were true or untrue? A. I did not know.

Q. Have you ever checked up since to determine whether or not they were true or untrue? A. I have talked to several people who have been at Bethel in the past.

Q. Have you come to Bethel and checked up on the matter? A. I have not been to Bethel.

Q. Did you ever write Judge Rutherford about the charges made by Mr. Moyle? A. I did not.

Q. Did you ever write anybody at the society to determine those charges? A. I did not.

Q. During the years that you were associated with the Watch Tower Bible & Tract Society and in favor of the Watch Tower Society, you, of course, were familiar with the publications, were you not? A. Yes.

Q. You had a trusted representative capacity with the society, didn't you? A. Yes, I did.

Q. And I assume that you believed in those publications? A. That they generally contained



the message which we figured God intended for the people, yes.

Q. Yes. During the time that you studied those publications, did you know what class of individuals were referred to as the evil servant? A. I did, yes.

Q. Tell us who or what class of persons were referred to in those publications as the evil servant? A. The evil servant class, as I understood it, was a class of people who wilfully and maliciously sought to do violence to the Kingdom message and who hated Almighty God and the establishment of His Kingdom.

Q. What group of individuals were then identified with the evil servant as you have described? A. I did not feel it was in my province to identify any individuals as individuals.

Q. That is not the question. The question that I direct to you is what group of individuals were identified by the society and organization as the evil servant. A. Opponents of Almighty God.

Q. Now you have defined that. What group or particular groups were identified as such? A. I did not know of any particular groups.

Q. Did you ever hear of the Dawn being identified as among the evil servants? A. No, I did not.

Q. Did you ever hear of the Pastoral Bible Institute being described as evil servant? A. I did not.

Q. Did you ever hear any of Jehovah's Witnesses discussing those facts? A. I knew there was a Dawn organization and a P. B. I. organization, Pastoral Bible Institute, but I under-



stood them only as brethren who formerly met with us who no longer did, and held meetings and published certain literature of their own.

Q. Why did you understand that they no longer met with us? A. I did not know.

Q. Did you ever make inquiry? A. I did not.

Q. Is it not a fact that the individuals who head the Dawn organization and the Pastoral Bible Institute were at one time trusted servants and representatives of the Watch Tower Bible & Tract Society? A. I understood some of them to be that.

Q. And you know that they did break away and oppose the society, don't you? A. I knew that they broke away.

Q. Don't you know that they now oppose the Watch Tower Bible & Tract Society? A. I don't believe that word "oppose" is what I understand them—

Q. What sort of a word do you want to employ? A. They no longer agree with all the views now being held by the Watch Tower Bible & Tract Society.

Q. That group of persons are known as the evil servant, are they not? A. No.

Q. I thought you told us a moment ago that they were? A. I said the evil servant were opponents of Almighty God and His Kingdom interests.

Q. I understand you defined that, but now, as the society advocated at the time you were in harmony with them, what organizations at the time you were associated with the society were identified by the society as the evil servant? A. The only ones that I have specific knowledge of



were what the society referred to as "The religionists."

Q. You never did hear, then, of the Pastoral Institute or the Dawn organization as being opposed to the society? A. No, I did not.

Q. As a matter of fact, you have been very friendly with Mr. Moyle, haven't you? A. I have been a friend of Mr. Moyle's since 1922.

Q. And you were very friendly with him during 1939, were you not? A. I was.

Q. And you were very friendly with him in September, 1939, were you not? A. I was.

Q. You welcomed him back to Milwaukee, didn't you? A. I did.

Q. And you saw a copy of his letter, didn't you? A. Yes.

Q. And you heard the copy of the article entitled "Information" read, didn't you? A. Yes.

Q. And as a friend, you were opposing that, you objected to that? A. Objected to what?

Q. To the article entitled "Information"? A. I objected to it in so far as I would not take any action against Mr. Moyle merely on the strength of that article, any more than I took any action against the society on the strength of Mr. Moyle's letter which he permitted me to read.

Q. What part of the article "Information" did you object to? A. May I see the article, please?

The Court: Which are you referring to now?

Mr. Covington: Exhibit 1.



(Plaintiff's Exhibit 1 handed to the witness.)

A. (Continued) Generally, I objected to the implication in the article or direct statement that he was a Judas and that he was unfaithful to God. I felt that unfaithfulness to God is a matter for God alone to decide.

Q. Did you decide whether or not he was unfaithful to the society? A. I did not because I felt that I did not have a society's view or the society's facts on the matter.

Q. You don't know whether or not the charges that were made in the article "Information" were true or false? A. That is right.

Q. And you are not telling this jury now that they are false either, are you? A. Not specifically. I—

Q. What do you tell them? A. I have talked to people since who had also been to Bethel—

Q. I am asking you now—

Mr. Bruchhausen: I think he should be permitted to answer.

The Court: Let him finish his answer.

Mr. Covington: I object to it as not responsive.

The Court: You have not heard the answer yet. You can move to strike it out afterwards. Objection overruled.

Mr. Covington: We except to the action of the Court.

The Court: Please read the answer as far as it has gone.

(The answer was repeated by the reporter.)

A. (Continued) And they have corroborated—

Mr. Covington: We object to that as being unresponsive.

The Court: You have a ruling already. You have made an objection. I will hear the answer and then I will listen to a motion to strike it out. Go ahead and finish your answer.

A. (Continued) These people to whom I have spoken since have corroborated to me many of the statements that Mr. Moyle made in that letter, and since that time I am convinced that those statements are in the large true.

Q. And you now change your testimony then, is that right? A. I don't know what you mean? In what way—

Mr. Covington: First I move to strike out the answer as unresponsive.

The Court: The motion is denied; exception to the defendants.

Q. You change your testimony that you testified to a moment ago that you did not believe that they were true or false? A. Yes, I did not know that those statements made by Mr. Moyle in the letter that he sent to Mr. Rutherford were true or false at the time, but you asked me since that time have I changed my mind.

Q. No, I did not ask you that question. I am asking you since you made your statement a moment ago that you did not know whether they were true or false, if you were changing your testimony. A. I did not understand your question that way.

Q. Have you ever had a controversy with



Judge Rutherford? A. I have never met Judge Rutherford.

Q. You did not know J. F. Rutherford in his lifetime? A. I did not.

Q. Did you ever have any correspondence with him? A. Yes, I did.

Q. Did you ever see him? A. At a distance on a platform, yes.

Q. Did you ever have any controversy with the representative of the Watch Tower Bible & Tract Society as to the manner in which you were discharging your duties in and around Milwaukee? A. Only Mr. Sullivan called my attention to the fact that on the matter of appointing study leaders, I had not followed to the letter the instructions that he as head of that department had sent me.

Q. Did you ever have a controversy with J. F. Rutherford? A. No.

Q. Have you ever had any difference with him with respect to the manner in which you discharged your duties as zone servant? A. Only some correspondence which Mr. Rutherford directed to me on some hearsay information he had received out at Racine accusing me of taking Mr. Moyle with me to Racine and asking that Mr. Moyle read his letter to Mr. Rutherford, which I denied and furnished proof of its denial.

Q. Did you ever ask or invite Mr. Moyle to read the substance of the contents of his letter? A. No, I did not.

Q. Did you ever invite Mr. Moyle to read any of the charges that he had made against the Bethel family? A. I did not.

Q. Did you ever preside at the Milwaukee com-



pany of the Jehovah's Witnesses at a Watch Tower study when you asked Mr. Moyle to get up and read his statement? A. I asked Mr. Moyle to state before the assembly study there his position with reference to the work that we were then doing, in which he was also engaging wholeheartedly, so that the assembly, the assembled audience, might know whether he was in favor of our work and the Society's work or against it.

Q. And this statement that you identified is the one that you asked him to read, wasn't it? A. I did not ask him to read that specifically. I had asked him to make a statement. Instead of making a statement he read that which I had never seen before.

Q. Did you have any conversation with Mr. Moyle before he read the statement? A. Yes. I asked him that I was going to set the minds of the friends in the study at ease, and asked him that night to state before us collectively whether he was there for the purpose of causing dissension or trouble or whether he was engaging with us in this Kingdom activity and wanted to work with us wholeheartedly. That is the question I put to him at that time. Then instead of making a statement, which I expected him to do verbally, he had prepared a letter which I identified before and which he read.

Q. Had you discussed with him prior to the meeting about what sort of a statement he was going to make? A. No, I didn't.

Q. How did you know he was going to make a statement? A. I was going to ask him to make a statement and he had—



Q. Had you discussed why you were going to ask him to make a statement? A. Yes, sir.

Q. When was that? A. A day or so prior to the time this action was taken on my part.

Q. Where was it? A. It was taken in the Odd Fellows' Hall on Tenth Street where we held our general meetings.

Q. That was two days before this meeting? A. I don't know how many days. It may have been the same day, but it was just prior to the time.

Q. Identify that letter, please (handing letter to witness). A. This is a letter that apparently Mr. Howlett brought with him on his visit to Wisconsin and read to the assembled companies in our zone in the Odd Fellows' Hall.

Mr. Covington: I offer it in evidence.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit A.)

Q. On or about that time, that same time, did you have any correspondence with Judge Rutherford as to your activity as zone servant? A. I did, yes.

Mr. Covington: I want to tender this letter in evidence.

The Court: Ask a question.

Q. Will you please identify this letter. A. This is a letter that I wrote to Mr. Rutherford on September 12, 1939. It is a letter that I wrote of my own volition reporting to Mr. Rutherford the activities of Mr. O. R. Moyle. I did this—

The Court: Never mind what you did. Show it to Mr. Bruchhausen.



Mr. Covington: I offer in evidence the letter.

Mr. Bruchhausen: I don't know who underlined this in red pencil. Is that part of the letter you wrote in red pencil?

The Witness: No.

Mr. Bruchhausen: I should then think that counsel should offer it without the red pencil markings.

The Court: You have no objection to the letter?

Mr. Bruchhausen: I have no objection to the letter.

The Court: The copy will be received. That letter will not be marked if it has any pencil markings on it but the copy will be received or else the pencil markings will be erased.

Mr. Covington: We would like to have it marked for identification and then we will make a copy and substitute it.

(Received in evidence and marked Defendants' Exhibit B.)

Q. Have you seen that letter that you have in your hand now before? A. Yes.

Q. What is that? A. That is a letter that I wrote to Mr. Rutherford on September 21st, in reply to two letters he wrote me on September 19th, and sent to me Air Mail, Special Delivery.

Q. You have the originals of the letters sent to you? A. Yes.

Q. With you? A. Mr. Bruchhausen has them.

Mr. Covington: Let's have them, please.



The Court: Are they being offered in evidence?

Mr. Covington: Yes.

The Court: Show it to Mr. Bruchhausen.

Mr. Bruchhausen: No objection, if the markings on it are erased.

The Court: We will take it and see that it is not marked before it goes to the jury.

Mr. Covington: Mark it in evidence.

(Received in evidence and marked Defendants' Exhibit C.)

Q. What do you have in your hand there now? A. A letter written by Mr. Rutherford to me on September 19th.

Mr. Covington: I will offer that in evidence.

Mr. Bruchhausen: May I see that a moment?

The Court: Certainly.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit D.)

The Court: What is that letter?

The Witness: This is a letter also written by Mr. Rutherford to me, on September 19th.

Mr. Covington: We offer that in evidence.

Mr. Bruchhausen: No objection if the markings are erased.

The Court: The markings will all be erased.

(Received in evidence and marked Defendants' Exhibit E.)

Q. Did you receive any letters from Judge Rutherford after that? A. Not that I recall.

Q. Do you recall receiving a letter dated October 3, 1939? A. I don't remember—Yes, I think I do. If I could see the letter I think I could identify it.

Q. I hand you this letter. A. Yes, I remember this letter.

Q. Where is the original to that? A. I think Mr. Bruchhausen should have it.

Mr. Bruchhausen: What date is that?

The Witness: October 3rd. In the next one is a reply of October 6th.

Q. Is this the carbon copy of the one that you received? A. Yes, I remember receiving it.

Mr. Bruchhausen: Wait a minute.

The Court: Have you the original there?

Mr. Bruchhausen: A long letter.



you had had correspondence with reference to Mr. Moyle's activities with Judge Rutherford and his attitude towards the Society? A. I was under the impression I had no correspondence with Mr. Rutherford until you showed me those letters in which I reported to him Mr. Moyle's activities voluntarily before Mr. Howlett came here. I took the question to mean after Mr. Howlett left did I object to it.

Q. When is the last time you saw the orginals of these letters? A. Well, I read over some of them before I came out here.

Q. You gave them all to Mr. Bruchhausen, didn't you? A. Yes, sir.

Q. When did you give them to him? A. I gave those letters to Mr. Bruchhausen last week, Saturday.

Q. And you have been in New York ever since? A. I have been here ever since.

Q. Waiting for this trial? A. I am here partly on business.

Q. Do you want to change your testimony? A. I can testify that I did have that correspondence that you referred to and marked Exhibit—whatever it was—with Mr. Rutherford.



now connected. I told him that he was actively engaged in the Kingdom work, was engaged in the studies with us as the rest of us were, that he was not opposing the work, that he had spoken highly of the Society since his return, in view of which I felt it was my Christian duty to receive him as one of the brethren and any differences which he might have had with Mr. Rutherford I felt would be better forgotten than brought up.

Q. Did you tell him what it was that would be better forgotten than brought up? A. Specifically, no, without reference to the letters that you have.

Q. Why is it you remember distinctly, and you can't remember what you said after your mind has been refreshed on the fact, and you have changed your testimony—

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. That is strictly for the jury. Please don't make any statements in this courtroom.

Mr. Covington: We except to the remarks of the Court.

The Court: Your exception is noted.

(Received in evidence and marked Defendants' Exhibit G.)

Mr. Covington: The date of this letter is September 25, 1940.

Q. Now, how many copies of this letter did you have printed? A. I don't recall.

Q. Well, approximately? A. Possibly 300.

Q. 300? Where did you have it printed? A. In Wauwatosa.

Q. And do you know whether or not you mailed them all to friends of yours? A. I don't know if I mailed them all, but I mailed the greater portion of them to friends of mine.

Q. Did you turn this printed letter over to anybody else for distribution? A. I think I sent a copy of that letter to the Society, but I am not positive.

Q. You are not positive? A. No.

Q. Did you turn a copy of this letter over to anybody else for distribution? A. Not that I recall, no.

Q. Did you ever give Mr. Moyle a copy of this letter? A. Yes, I did.

Q. How many copies did you give him? A. I don't recall.

Q. Was it one, two, or three, or how many? A. Mr. Moyle was in the office with us at the time and the copies of the letters were there. He had access—

The Court: You have been asked whether or not you gave him one, two, three or more copies.

A. More.



Q. How many? A. I don't know.

Q. Approximately? A. I have no idea approximately.

Q. Did Mr. Moyle help you frame that letter? A. He did not.

Q. Did you have any conversation with Mr. Moyle with reference to framing that letter? A. I told him I intended to write that letter, yes, sir.

Q. Did you discuss with him the contents thereof? A. Only very generally.

Q. And did you discuss with him the contents of the letter which he had printed also? A. Only generally, in that he told me he was going to write such a letter.

Q. When was that? A. About the same time I wrote my letter.

Q. Where did you have this printed? A. I don't know, but I assume at the same place.

Q. What is the same place that you refer to? A. In Wauwatosa there is a little printer.

Q. The name of it? A. I don't even remember specifically. It may have been Benoit Printing Company or—

Q. Printing Company? A. Yes, sir. They publish a little paper there, a local paper. Or it may have been LeFebre Printing Co. They specialize in stationery, and things of that kind.

The Court: We are not concerned with what they specialize in. You have been asked a very definite question, what is the name. Please don't make speeches.

Q. You take your letter down and have it printed on the same day that his was printed? A. I don't recall.



Q. Did you go to the printer together? A. I don't recall that.

Q. You don't recall that? A. No.

Q. When do you recall seeing Mr. Moyle's printed letter? A. When it came back from the printer.

Q. When was that? A. I suppose a few days —a few days after the letter was dated.

Q. And what printer did it come back from, his letter? A. I don't recall that.

Q. Was it either one of the two that you have mentioned? A. It must have been.

Q. Could it have been any other printer? A. It might have been. I have no definite recollection about those details.

Q. Do you recollect the detail about what printer it was that printed your letter? A. No, I don't.

Q. It could have been any other than these two you mentioned? A. It could have been.

Q. Which one? A. I don't remember.

Q. Did you pay for this printing by check or in cash? A. I don't recall that either without referring to my records.

Q. Where did you get the mailing list to send that letter? A. Well, as Zone Servant I had a list of all of the friends in this particular area, and friends of my own, and I used it.

Q. And they were Jehovah's Witnesses, is that right? A. Yes, sir.

Q. And this is what you call An Open Letter To Jehovah's Witnesses? A. Yes, sir.

Q. Is that letter in favor of or against the Society? A. That is a letter against the Society's practices.



Mr. Bruchhausen: I object to that.

The Court: Objection sustained. The letter speaks for itself. It is in evidence.

Q. When did you learn that O. R. Moyle was the attorney returning from Brooklyn, New York to resume practice of the law? A. Possibly a week before he actually arrived. He wrote me a short note stating that he was coming back from Wisconsin, but no details.

Q. Did you know before then? A. No, I didn't.

Q. Prior to that I assume that you thought that Mr. Moyle and his relations with the Society were perfectly satisfactory, didn't you? A. Yes, sir.

Q. And prior to that I guess you had never heard of any complaint that he had against the Society, is that right. A. No, he was satisfied with his work and I knew of no specific instance where he had any complaint that he mentioned to me or that I can recall.

Q. Prior to that I assume that his life at Bethel had been very satisfactory? A. I just assumed it was.

Q. So far as you know? A. As far as I know.

Q. Never any complaint made about the conditions? A. No, I knew he didn't particularly like to live in New York because he came from a small town.

Q. But outside of that? A. I don't recall anything specific.

Q. How frequently did you see Mr. Moyle from the time that he went to New York in 1935 until he returned to Wisconsin? A. Possibly only once a year, either when I went to New York on business—



The Court: Approximately once a year is the answer, if that is what it is.

Q. Did you ever have a conversation with him prior to the time that you first met him after he returned from New York, about his intending to come back? A. Not that I can recall.

Q. Outside of the communication that you got from him that you mentioned, did you ever hear from him about that? A. Not that I can recall.

Q. You say you have known Mr. Moyle since 1922? A. Yes, sir.

Q. How did you come to get acquainted with Mr. Moyle? A. Mr. Moyle attends the same Bible meeting that I did.

Q. Is that the Watch Tower Bible & Tract Society? A. Yes, sir.

Q. Jehovah's Witnesses? A. Yes, sir.

Q. And you say he spoke, I believe, at these meetings, is that correct? A. Periodically, he did.

Q. And did he make speeches upon the Bible? A. Yes.

Q. And did he make speeches upon the Watch Tower Bible & Tract Society? A. Yes.

Q. And he generally preached sermons, is that right? A. He did.

Q. At those meetings? A. Yes, sir.

Q. Since he has left Bethel have you ever heard any sermons that Mr. Moyle has preached?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained. Exception to the defendants.



Q. Have you ever attended any meetings of any of the Pastoral Bible Institute meetings or the Dawn meetings?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained. Exception to the defendants.

Q. Before Mr. Moyle left Milwaukee, did he attend the same Bible studies of the Pastoral Bible Institute that you did? A. Yes, sir.

Q. He did? A. Yes, sir.

Q. And when did he begin attending the Pastoral Bible Institute studies? A. I don't recall specifically. I think it was in the summer of 1940.

Q. How long did he continue to attend such studies? A. Until his moving to Johnson's Creek.

Q. Was he ever a traveling representative, has he ever been a traveling representative of the Pastoral Bible Institute? A. He does some traveling now under their auspices, at least he is listed in their magazine.

Q. For what purpose does he travel for the Bible Institute?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We except.

The Court: Yes, exception to the defendants. Proceed, please.

Q. Do you know Leland and Laura Rouse? A. Yes.

Q. And when did you first become acquainted with Leland and Laura Rouse? A. Possibly sometime after 1922.

Q. And who are Leland and Laura Rouse? A. Mrs. Rouse is Mr. Moyle's sister. Leland Rouse is her husband.

Q. And they were formerly connected with the Watch Tower Bible & Tract Society, were they not? A. Yes, sir.

Q. Have you ever made any attacks, personal attacks, upon Judge Rutherford? A. No.

Q. I ask you whether or not during the latter part of August, 1939, or the first part of September, 1939, you made personal attacks upon Judge Rutherford, verbal attacks. A. Not that I recall.

Q. Do you know Gus Paulas? A. I do.

Q. Who is Gus Paulas? A. Gus Paulas is a member of the Milwaukee company of Jehovah's witnesses.

Q. Has he continued and is he now a member of the Milwaukee Company? A. As far as I know.

Q. Do you know whether or not you made a statement to Gus Paulas attacking the character and integrity of Judge Rutherford? A. I do not remember any such statement.

Q. Did you make such a statement? A. Not that I recall.

Q. Do you have any doubt about it, please? A. I said no, I did not.

Q. You did not? A. No.

Q. I will ask you if you know of Roger Marquardt. A. Yes.

Q. Did you have a conversation with Roger Marquardt at the Chicago Convention in 1939? A. I might have. I don't recall.

Q. Did you see Marquardt at that convention? A. I don't recall. He might have been there.



Q. You do not recall? A. I don't recall.

Q. Do you remember having a conversation with Mr. Marquardt at the Chicago Convention? With reference to the fact that Mr. Moyle was then planning on returning to Wisconsin to engage in the private practice of law, prior to the June meeting at the Madison Square Garden? A. Would you repeat it, please? I didn't follow you.

The Court: Read the question.

(The foregoing question was thereupon read by the Court Reporter.)

A. No.

Q. You say you did not have such a conversation? A. Not that I recall.

Q. Not that you can recall. Had you had any correspondence between you and Mr. Moyle prior to June 25, 1939? A. No.

Q. You did not? A. No.

Q. No correspondence at all? A. Not that I recall at all.

Q. No communications? A. No, sir.

Q. Did you ever tell anybody that you had received a communication from Mr. Moyle? A. No, except general letters that I received periodically.

Q. Did you receive a general periodical letter between the month of June, 1939, or the month of May, 1939? A. No. I might have.

Q. In that general letter did Mr. Moyle state to you his intention of returning from Brooklyn? A. No.

Q. He did not? A. No.



The Court: We will taken an adjournment until 10 o'clock tomorrow morning. Please do not discuss the case even amongst yourselves.

(Whereupon, an adjournment was taken until 10 o'clock, May 12, 1943.)

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Wednesday, May 12, 1943.

(Trial continued pursuant to adjournment.)

Mr. Covington: May it please your Honor, there was one matter of routine that I neglected to cover with Mr. Fink yesterday. May I ask him concerning that?

The Court: By all means, you may proceed.

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HARVEY FINK resumed the stand and testified further as follows:

*Recross examination by Mr. Covington:*

Q. Mr. Fink, did you consider that you acted wrong or improperly when you asked Mr. Moyle to read his statement before the Milwaukee Company, in September, 1939?

Mr. Bruchhausen: I object to it as incompetent.

The Court: Sustained. Exception to the defendants.



Q. Did you ever make a statement to anyone condemning the action of Mr. Moyle? A. Condemning the action of Mr. Moyle?

Q. Yes. A. No, not that I remember.

Q. Did you ever participate in the resolution that was passed condemning the action of Mr. Moyle and also pledging full loyalty to the Society's side of the controversy? After Mr. Moyle read his statement? A. I voted yes to the resolution that contained an expression of loyalty to the Society, but I did not participate in that if it contained anything about condemning Mr. Moyle. No, I never condemned him.

Q. Did you ever make a statement to anyone in writing that you had acted wrongly and improperly in asking Mr. Moyle to read his statement before the Milwaukee Company? A. Yes, sir, I wrote Mr. Rutherford to the effect that in view of the misunderstanding, apparently, which arose over my asking Mr. Moyle to make a statement of his loyalty to the Society, I subsequently stated that I apparently was wrong in assuming that authority without first communicating with the Society, even though the facts remained the same.

Q. Is this the letter (handing letter to witness)? A. Yes, that is the letter.

Mr. Covington: We introduce that in evidence.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit H.)

Q. Turn the letter over and see if that is the letter that you got in response, or a copy of the



letter that you got in response, from Judge Rutherford. A. Yes, sir, that is.

Q. Who has the original of that? A. I think it is either Mr. Bruchhausen has it or in the file that I gave Mr. Moyle.

Mr. Bruchhausen: I didn't see the back. Is that supposed to be in evidence?

The Court: No, it is not in evidence. But if there is no objection we will mark it.

Mr. Bruchhausen: I will look at it. I have never seen it, I don't think.

The Court: Suppose you read the back of it and see if there is any objection.

Mr. Bruchhausen: Yes, I am doing that now. There is no objection.

The Court: You don't have to make another exhibit. We will assume that both sides are now in evidence.

(Mr. Covington reads Defendants' Exhibit H to the jury.)

Q. Now do you want to change your testimony of yesterday that you didn't take part in condemning Mr. Moyle's action before the company? A. I do not.

Q. Didn't you mean what you said here in your statement concerning the resolution at the Milwaukee company? A. Yes, the resolution of the Milwaukee company as I read it was a resolution assuring the Society of the class' loyalty to it as the Central Governing Body of Jehovah's Witnesses, nothing more that I recall.

Q. How long did Mr. Moyle occupy the same office with you? A. Until his leaving for Johnson's Creek.



The Court: What was that in a period of time, is what Mr. Covington wants to know.

The Witness: From August 1939, I believe, to March 1st, or thereabouts, 1941.

Q. And during that time did you occupy the same office, same— A. No, we had separate rooms.

Q. But it was the same number, isn't that right? A. Yes, sir.

Q. What was the number of the office? A. For a while I had my office either at 7218—West North Avenue, and subsequently removed to 1439 Underwood Avenue, larger offices.

Q. Have you since this action made any statements to anyone concerning the action of Mr. Moyle in his assault against the Society, condemning him?

The Court: You mean since this lawsuit was started?

Mr. Covington: Yes.

A. Not that I recall.

Q. Did Mr. Moyle pay rent to you? A. No, I gave him space in our office without charge.

Q. Did he work for you during the time that he was officing with you? A. He helped us once in a while on matters for the rent that we did not charge him for.

Q. What sort of services did he render for his rent? A. He answered the 'phone when I was out, when there was nobody else in the office, and periodically he would help with the filing and such minor details.

Q. Did you pay him any salary or anything like that? A. No. For a while I paid Mr. Moyle a small sum of money for being in the office and see to it that someone was there all the time.

Q. And did you pay him as long as he was there? A. No, I didn't.

Q. Did you ever advance him any money to be repaid in the event he is successful in this case? A. No, sir.

Q. Is he obligated to you for money now? A. No, sir.

Q. Are your expenses being paid for attending the trial of this case? A. Only partly. I am here on business.

Q. Who is paying your expenses? A. Mr. Moyle is paying part of them.

Q. Who is paying the other part? A. I am.

Mr. Covington: That is all.

*Redirect examination by Mr. Bruchhausen:*

Q. Did you agree with this statement by Mr. Rutherford in his letter about "An entrapment by Moyle"? A. No, I didn't.

Q. In other words, you have never changed your opinion about Moyle as you expressed here today, and have in your testimony? A. No, I haven't.

Q. You were asked yesterday, as I recall, about your withdrawing from Jehovah's Witnesses, do you recall that? A. Yes, I remember it.

Q. And that occurred when? A. In the spring of 1940.

Q. Were there any reasons other than what you have given for your withdrawal? A. Yes.



Mr. Covington: That calls for an expression of opinion, an ex parte declaration.

The Court: Have you an objection?

Mr. Covington: Yes, that is my objection.

The Court: The objection is sustained.

Q. You said something about going to a printing office or sending a letter to a printing office. Was that of your own volition? A. Yes, sir.

Q. And not the behest or request of anybody else? A. No.

Mr. Bruchhausen: That is all.

Mr. Covington: No further questions.

(The witness was excused.)

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JOSEPH T. JACOBS, residing at 108 East Grand Street, Port Washington, Wisconsin, being duly sworn, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. What is the nature of your business? A. I am inspector.

Q. Of what? A. In a chair factory.

Q. You have been acquainted with the plaintiff, Mr. Moyle, for how long? A. About 18 years.

Q. Were you affiliated with Jehovah's Witnesses? A. Yes, sir.

Q. About how long? A. Since 1914.

Q. And at what place? A. At Milwaukee, Wisconsin.

Q. When did you first learn of this complaint made by Mr. Moyle? A. After September 1st.



I was up in the northern part of Wisconsin spending my vacation.

Q. And how did you learn of it? A. Through the Watch Tower.

Q. Was that the article of September 1st which has been referred to? A. Yes, sir, the September 1st article.

Q. What did you do after you read that article? A. Well, I read it and I showed it to my wife, and I was stunned by the contents.

Q. Did you ever see a copy of the letter that Mr. Moyle wrote? A. I did, later on in September.

Q. And how did you see that? A. I wanted to know the other side and Mr. Moyle gave me the letter.

Q. At your request? A. Yes, sir.

Q. Did you talk to anybody about the letter? A. I did not.

Q. Have you had occasion to talk to any of Jehovah's Witnesses out there after the publications of the articles in the "Watch Tower" that have been referred to? A. Yes.

Q. Yes.

The Court: Referring to the publication of September 1st?

Mr. Bruchhausen: Yes, I will limit my question.

Q. Whether you had occasion to talk to any of Jehovah's Witnesses in and around Milwaukee after the publications of the October 15th or November 15th articles.

Mr. Covington: We object to that, your Honor, because it is immaterial and irrelevant as to conversations.



The Court: I think it is very material. Those are the questions we are here to decide. The objection is overruled. Exception to the defendants.

Mr. Covington: We make the additional reason that it also calls for an expression of hearsay testimony.

The Court: Objection overruled.

Mr. Covington: Exception.

Mr. Bruchhausen: I will reframe the question if I may.

The Court: We will strike out the question and the objection and we will hear the new question so as to keep the record straight.

Q. Do you recall reading the article in the "Watch Tower" of October 15, 1939, entitled "Information"? A. I do.

Q. And did you in respect to that article have occasion to talk to any of Jehovah's Witnesses?

Mr. Covington: We make the same objection that it is a conclusion, that it is immaterial and irrelevant and calls for hearsay testimony.

The Court: The objection is overruled.

Exception to the defendant.

Is this the article of October 15th?

Mr. Bruchhausen: That is right.

A. I believe I did.

Q. And can you give us any details of when and where and with whom you did that?

Mr. Covington: We have the same objection to this question.



The Court: Same ruling.

Mr. Covington: We except.

A. Well, with several of the committee that had to do with the giving out of territory in Milwaukee.

Q. What was the statement that was made? A. I didn't comment much about the article at all. I believe I refrained from saying anything, as far as I can recollect. But the others of Jehovah's Witnesses commented about it and said it must have been the unmistakable truth, because of the fact that the board of directors put their approval upon that letter.

Q. And did you attend meetings regularly at Milwaukee? A. Every Sunday.

Q. And did you notice anything at those meeting as far as the attitude towards Mr. Moyle was concerned? A. I did.

Q. And what did you notice? A. The attitude toward Mr. Moyle was generally a shunning of him and looking upon him with, I would say, contempt.

Q. And did you read the article entitled, "Snares" that was published in the "Watch Tower" on November 15th?

Mr. Covington: May it be understood that we have the same objection to this line of testimony.

The Court: You take the objection so you keep your record straight.

Mr. Covington: Yes.

The Court: The objection is overruled and exception to the defendants.

A. I did.



Q. Your answer is what? A. Yes, sir, I did.

Q. And were you still attending meetings of Jehovah's Witnesses in Milwaukee at the time that article was published? A. I did.

Q. And what, if anything, did you notice about the attitude at the meetings of Jehovah's Witnesses toward Mr. Moyle and his family after that article was published?

Mr. Covington: That calls for a conclusion on the part of the witness and we object to it for that reason.

The Court: The objection is overruled. Exception to the defendants.

A. It continued, the same condition.

The Court: Did it get any worse or better?

The Witness: I believe it got worse right along.

Q. How did the people in the meeting act towards Mr. Moyle? A. They shunned Mr. Moyle. He was by himself most of the time.

Mr. Covington: We move to strike out all this line of testimony that has been given by the witness expressing an opinion as to the action and conduct of members of Jehovah's Witnesses towards Mr. Moyle on the ground that it is evidently an opinion and conclusion on the part of the witness. It is hearsay testimony.

The Court: Motion denied. Exception to the defendant.

Mr. Covington: For the further reason

that it is immaterial and irrelevant and we move to strike it out for that reason.

The Court: Same ruling.

Q. Do you recall an incident which occurred in which the study leader, Mr. Worth, was involved? A. I do.

Q. Will you tell us the details about that. A. There was a little group started around Brown Deer and the meetings were held at Mr. Meyer's home and Mr. Worth came to the meeting—

The Court: Fix a time if you can.

The Witness: Before it really started, about seven o'clock.

Q. About what date? A. It was in the fall of 1939.

Q. Was it after November 15th? And after the "Snare" articles? A. Yes, sir, after all these occurrences.

Q. This was near Milwaukee? A. Yes, sir.

Q. In what town? A. Brown Deer.

Q. What took place there? A. Mr. Worth came to Mr. Meyer and said to him, "I have something"—

Mr. Covington: We object to that as hearsay and entirely immaterial and irrelevant.

The Court: I haven't heard the answer. I will hear the answer and then I will listen to a motion to strike out. The objection to the question is overruled.

Mr. Covington: We except.

A. Mr. Worth told Mr. Meyer that he would



have to disassociate me because I was slowly and surely going out of the truth and he further told Mr. Meyer, if I persisted—if I persisted in this course I would go into the second death.

The Court: Now do you move to strike it out.

Mr. Covington: Yes, I move to strike it out.

The Court: I will strike out the answer. Exception to the plaintiff.

Mr. Covington: I ask that the jury be instructed not to consider this evidence.

The Court: Anything that is stricken out of the record the jury knows, I hope, that they are to disregard entirely.

Mr. Covington: Do I take it that all the testimony as to what occurred is stricken out?

The Court: No. That answer is stricken out because I think it has no bearing on this case at all.

Q. Were these people at this particular meeting Jehovah's Witnesses, at the meeting you refer to? A. There were new ones that came in. This meeting was just started with new members.

The Court: Were they all members of Jehovah's Witnesses?

The Witness: I couldn't say definitely.

Q. Were they attending the classes? A. Yes, sir.

Q. They were attending and participating in



the work of Jehovah's Witnesses? A. In that meeting.

Q. Was Mr. Meyer one of the Witnesses? A. He was.

Q. And Mr. Worth? A. He was.

Q. Had they been affiliated with the organization for sometime? A. They were.

Q. What was said then on that occasion between them, and I direct your attention to any discussion about this article "Snares"? A. I was not at that meeting.

Q. Well, at any meeting that you attended was there any discussion between Mr. Worth and you and any others in reference to the article "Snares" and Mr. Moyle?

Mr. Covington: We object to that as being irrelevant and immaterial, your Honor, and hearsay.

The Court: The objection is overruled. Exception to the defendants.

Mr. Covington: And calls for a conclusion.

A. I don't remember.

Q. Was there any meeting that you attended where any discussion was held with reference to this article "Snares"? A. In little groups when we got together, but not in a public manner.

Q. Were these groups of Jehovah's Witnesses? A. They were.

Q. What occurred?

Mr. Covington: That is manifestly subject to the same objection. We object to it because it is irrelevant and immaterial



and calls for a conclusion and opinion on the part of the witness, and hearsay.

The Court: The objection is overruled.

Mr. Covington: We except.

Q. What occurred at these meetings? Was this after November 15th, after the "Snares" article? A. Yes, sir.

Q. Where did these meetings take place? A. I attended meetings at Milwaukee, Wisconsin, and there were some discussions about these articles.

Q. Give us the details about those discussions. A. The Jehovah's Witnesses, the ones that I came in contact with, believed the articles as stated in the "Watch Tower."

Q. And what attitude did they exhibit towards Mr. Moyle? A. They showed animosity towards him and they wouldn't—

Q. Did they avoid him? A. They avoided him on every occasion.

Mr. Covington: We object and move that part of the answer where it says "showed animosity" be stricken as a conclusion and opinion.

The Court: Motion denied. With exception.

Q. Did they avoid him? A. They did avoid him.

Q. Did you know Mr. Ellison? A. I do.

Q. Who is he? A. I believe he was the Company's Servant after Harvey Fink was dismissed.

Q. Was there any statement made by Mr. Ellison about his attitude towards Mr. Moyle in any meeting or in any group? A. At one time



on a Sunday evening when we left—that was the last meeting we were there—we went over to Mr. Ellison, three of us, and Mr. Meyer, Mrs. Jacobs and myself, and Mrs. Jacobs said to Mr. Ellison: "The Watch Tower is not going to tell us who our friends are," and the retort was, by Mr. Ellison, "I wouldn't have anything to do with Mr. Moyle."

Mr. Covington: We object to that as hearsay and incompetent, irrelevant and immaterial.

The Court: Overruled.

Mr. Covington: We except and move to strike it out.

The Court: The motion is denied.

Mr. Covington: Exception.

Q. Was this after the publications of the articles or any of them? A. Yes, sir, it was.

Q. Was it after the "Snares" article? A. It was.

Q. Are you still a member of the organization? A. I am not.

Q. When did you depart from it? A. It must have been in the summer of 1940 when I left.

Q. Did you state any reasons to them for leaving? A. Not in a public way, only that last remark that Ellison made, and we left and I never seen any of them that I recollect after that time.

Q. Were those your reasons for leaving? A. Well, there were other reasons.

Mr. Covington: We wouldn't want the witness to express them and we object to



it as immaterial and irrelevant, other reasons.

The Court: Sustained.

Mr. Bruchhausen: That is all.

*Cross-examination by Mr. Covington:*

Mr. Covington: At this time we move to strike out all the evidence that has been given by the witness concerning conversations with others, and the impressions that others obtained from a reading of the article, on account of the fact that it is clearly incompetent, irrelevant and immaterial, and ex parte statements, and also calls for conclusions and opinions on the part of the witness.

The Court: The motion is denied, with exception.

Mr. Covington: If your Honor please, I would like to ask a few questions.

Q. Mr. Jacobs, have you always been in harmony with the doctrines that are to be found in the "Watch Tower"? A. I was not.

Q. When did you first begin to see doctrines in the "Watch Tower" to which you objected? A. In the fall of 1939.

Q. In the fall of 1939 and not before that? A. Not particularly that I noticed.

Q. Well now, did you follow Mr. Moyle? Did he influence you in leaving the Society. A. He did not.

Q. What organization are you now affiliated with? A. I don't belong with any organization.

Q. Do you attend any Bible studies of any

kind now? A. Yes, sir, Milwaukee Bible Students.

Q. It that the same one Mr. Fink attended? A. Yes, sir.

Q. You study what is known as studying the Scriptures? A. Yes, sir.

Q. Is that connected with the Pastoral Bible Institute? A. It is not connected with the Pastoral Bible Institute.

Q. Where do you obtain the literature that you study? A. I get it in the hall.

Q. What hall? A. The hall where we meet, the Guild Hall, Republican Hotel.

Q. Are you related to Mr. Fink? A. I am not.

Q. You have always been a very close friend of Mr. Moyle's, have you not? A. I have been.

Q. And you resented the statement in the September 1st "Watch Tower", did you not, when you read it? A. I read it and I believe I passed no comment on it to anyone.

Q. The question that I ask is: Did you resent the statement contained in the "Watch Tower"? A. I did not.

Q. Did you know that Mr. Moyle was coming back to Wisconsin before he arrived in Milwaukee? A. I did not.

Q. When was the first you learned that Mr. Moyle was back in Wisconsin? A. When I came back from up North in September, the first week, of 1939.

Q. And when did Mr. Moyle come back, or did you learn that he returned to Wisconsin? A. I do not recollect the exact date. I met him after September, the first week in September.

Q. Are you familiar with the "Watch Tower"



publications during the time that you were one of Jehovah's Witnesses? A. I was.

Q. Are you familiar with the doctrines that are contained in the "Watch Tower" concerning the evil servant? A. I am.

Q. And what group of individuals are described in the "Watch Tower" as constituting the evil servant? A. Those who depart from the Lord.

Q. During the time that you were one of Jehovah's Witnesses did you have occasion to consider who that group was generally known as amongst Jehovah's Witnesses? A. I did not — Will you re-state that, please?

The Court: Read the question.

(The foregoing question was thereupon read by the Court Reporter.)

The Witness: I understood that all those who leave the Society were members of that evil servant class.

Q. And who opposed the Society, is that right? A. Yes.

Q. That is right. Do you now oppose the Society? A. I do not.

Q. You have left the Society, that is right? A. I have.

Q. And you no longer subscribe to the doctrines that are taught by Jehovah's Witnesses, do you? A. I do not.

Q. You do not now belong to any religious organization, is that right? A. Milwaukee Bible Students.

Q. Is that an organized religious body? A.



We have Elders that give discourses and lead the meeting and the studies.

Q. And during 1940 and 1941 who were the Elders that gave discussions at these meetings? A. Do you want the names?

Q. Yes. A. Mr. Brocksma—1941?

Q. 1940 and 1941. A. 1940, Mr. Brocksma is the only one.

The Court: How about 1941?

The Witness: Mr. Fink, Mr. Brocksma, Mr. Hirsh and myself, the speaker.

Q. Did Mr. Moyle ever speak? A. Yes.

Q. How frequently? A. Probably three times a year.

Q. And who are the members that are head of the Pastoral Bible Institute? A. I can't name all of them. I know some of them. I know Mr. Sigmund and P. L. Reed. They are on the editorial committee, and Thomson.

Q. And "The Dawn"?

Mr. Bruchhausen: I object to this testimony.

The Court: Sustained; strike out the answer. Exception to the defendants.

Mr. Covington: That is all.

*Redirect examination by Mr. Bruchhausen:*

Q. You were asked a moment ago about evil servants and as I understand it you described an evil servant as one who departed from the Lord, is that correct? A. That is correct.

Q. Do you consider that Mr. Rutherford was the one who was to determine who an evil servant was? A. I did not.



Q. Did you consider that anyone who left the Society with an honest grievance was an evil servant? A. I did not.

Q. You were also asked about something in connection with why you did not support or do not support the doctrines of the Society. Can you give any reasons for that? A. Yes, sir. In the "Watch Tower" article, I believe it is on the first page, there is an article there that I take exception to. It can be overthrown with Scriptures. It is not Scriptural.

Q. What is that? A. It states in there—

The Court: Which publication?

The Witness: The articles of that year, 1939.

Q. I show you one of the "Watch Towers" and ask you whether the statement that you referred to is contained therein. A. I can state almost verbatim what it is.

Q. Give us the substance. A. It says that Jesus died for the obedient ones, and the Bible teaches in three different places that I would like to quote. The Apostle Paul in Hebrews says that Jesus by the grace of God tasted death for every man.

Q. Was this portion you are referring to a change that came about in the printed matter that was coming from the "Watch Tower"? A. There was not always the attitude the Bible took on this subject.

Q. Was that a change in attitude on the part of the "Watch Tower" Society? A. It must have been. I never noticed it until that time.

Q. Did you notice any changes made in the



doctrines and in the printed matter that came about during this time, in 1939? A. I did.

Q. And was that a reason for your departing from the Society? A. That was one of the reasons.

Q. Because you differed with the expressions of opinion that they put in the "Watch Tower," is that correct? A. Yes, sir.

Q. You were asked by defendants' counsel about this article of September 1, 1939. Do you remember that article? A. I do.

Q. And you were asked whether you resented the article. Do you know what that means? A. That I took exception to it?

Q. Yes. What was your reaction when you read the article? A. Well, I was stunned at first and I did not believe that it could be true.

Q. That was your reaction? A. That was my opinion.

*Recross examination by Mr. Covington:*

Q. You have a "Watch Tower" there, do you not? A. Yes, sir.

Q. Which you referred to.

The Court: He says he was unable to find the article in the "Watch Tower".

Q. But the part that you just finished reading there about Jesus. A. I didn't read from the "Watch Tower." I quoted verbatim.

The Court: He said he hasn't found it.

Q. Is it in the fly-leaf inside the front cover? A. It is somewheres in here.



Q. The third paragraph on the inside cover of the "Watch Tower" reads as follows—

The Court: It is not in evidence. You had better show it to him.

Q. I hand you "Watch Tower" entitled "Volume 6 of No. 17, dated September 1, 1939," inside the cover, third paragraph, and ask you to identify that. A. Yes.

The Court: Is that the one you referred to in your testimony?

The Witness: Yes, sir.

The Court: That is the article.

Mr. Covington: I would like to have that marked as the next exhibit, please.

The Court: I assume that there is no objection.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit I.)

Mr. Covington: Can I now read Defendants' Exhibit I to the jury?

(Mr. Covington reads same to the jury.)

Mr. Covington: I now read concerning what the Scriptures clearly teach—

Mr. Bruchhausen: I object to that.

The Court: Read it without any comment. That is the only thing in evidence, the exhibit.

Q. Would you object to that statement? A. To a part of it.

Q. And what part? A. Where it states Jesus died for the obedient ones.

Q. You say that you noticed that for the first time in 1939, is that correct? A. Correct.

Q. How long have you been reading the "Watch Tower," please? A. Since 1917.

Q. And have you been reading that inside cover since that time? A. To us the Scriptures speak clearly—I didn't read that.

Q. When did you have that drawn to your attention? A. That was drawn to my attention by myself when I read that at one time.

Q. And you were then a subscriber for the "Watch Tower" for how long? A. Since 1917.

Q. And that is what caused you to become offended, is that right? A. Because— Yes, because it does not agree with the Scriptures.

Q. How long did you have the opinion that Jesus did not die for the obedient ones? A. I was always of the opinion that He died for every man. He gave a ransom for all men.

Q. You believe that he died as a ransom for Satan, the Devil, and that he had been given another chance? A. I do not.

Q. Do you believe that he died as a ransom for the persecutors of the Lord Jesus Christ and those that killed Him? A. I believe He did, with one exception, Judas.

Q. And why do you make the exception concerning Judas? A. Because Jesus says he is the son of perdition.

Q. Is there anybody that is pictured by Judas in what is the son of perdition class? A. Those who follow—

Mr. Bruchhausen: I object to this.

The Court: The objection is sustained.



Mr. Covington: We taken exception to the ruling.

Q. Do you except to any other doctrine that is taught in the "Watch Tower"? A. Do I take exception to it?

Q. Yes. A. I do.

Q. What others? A. Some of the books that have been published are contradictory and conflicting.

Q. Which? A. A booklet "Face The Facts" states—

The Court: He just asked you the name.

A. "Face The Facts."

Q. Next? A. It is "Either Riches or Salvation."

Q. And next? A. And "Watch Tower" 1939 or 1941, in the summer of that year.

Q. What title "Watch Tower," and what subject? A. I would have to look it up to be sure.

Q. What general subject did it relate to? A. I'm not sure, but I take exception to one paragraph.

The Court: Let us have the paragraph if you can remember it.

The Witness: In the paragraph it states the evil servant class and elective elders still teach the erroneous doctrine that the unrighteous dead would be raised during the thousand year reign of Christ.

Q. What about that is erroneous? A. Because if that were true, then nobody would have an opportunity for eternal life during Chirst's Kingdom, because Satan would be loose after the thousand year reign of Christ, and the Bible says He and his Hosts will be destroyed with fire that will come from Heaven to consume them.



Q. And you have then seen this letter here, Defendants' Exhibit G, have you not? A. I have.

Q. Did you ever have anything to do with the framing of that letter? A. Nothing.

Q. Did you have anything to do with the discussion of that letter? A. Nothing.

Q. When did you first see the letter? A. After I got it.

Q. When did you get it? A. I don't remember.

Q. What year? A. I couldn't say because I do not remember when I got it. I know I got one but I don't know even the year.

Q. Who did you get it from? A. I probably got it by mail.

Q. From whom? A. From Fink, I believe.

Q. And Mr. Fink is a friend of yours, is that right? A. He is.

Q. Attends the studies? A. He does.

Mr. Covington: That is all.

(Witness excused.)



KATHERINE FINK, residing at 2536—North 81st Street, Wauwatosa, Wisconsin, being duly sworn, testified as follows:

Mr. Bruchhausen: The plaintiff offers in evidence copies of a pamphlet entitled "The Informant" dated January, 1938, December, 1938, January, 1939. May, 1939, June, 1939, July, 1939, August, 1939 September 1939, October, 1939, November, 1939, and December, 1939, as one exhibit.

Mr. Covington: We have no objection. But we would like to have them marked separately.

The Court: Mark them as one exhibit. You are going to have too many exhibits.

(12 pamphlets were received and marked Plaintiff's Exhibit 8.)

Mr. Bruchhausen: I understand the defendant concedes the defendant published and circulated those pamphlets.

Mr. Covington: Amongst the companies of Jehovah's Servants and Congregations.

The Court: You published them but amongst your own members.

The Witness: Yes, sir.

The Court: I should say published and circulated them amongst your own members.

Mr. Covington: Yes.

*Direct examination by Mr. Bruchhausen:*

Q. You are the wife of Harvey Fink who has testified in this case? A. I am.

Q. And you also have been acquainted with Mr. and Mrs. Moyle for sometime? A. I have.



Q. Do you recall Mr. and Mrs. Moyle returning to Wisconsin in the year 1939? A. I do.

Q. Do you recall about when it was in that year? A. It was in the fall of the year.

Q. Did they come to reside in Wauwatosa? A. No, they did not.

Q. Where did they take up their residence? A. At my mother's home out in the country, about four miles from our home in Waukasha County.

Q. And was there any happening; do you recall reading any articles in the "Watch Tower" about Mr. Moyle? A. Yes, I do.

Q. The articles, for instance, I direct your attention to is the article of October 15th entitled "Information." A. I do.

Q. Do you recall any happening with respect to that article as far as Mr. and Mrs. Moyle were concerned? A. I do. The attitude of the whole Milwaukee—

Mr. Covington: I move to strike it out because it is not responsive and calls for a conclusion and opinion on the part of the witness.

The Court: We haven't even got an answer. You may complete your answer.

The Witness: The whole Milwaukee company welcomed Mr. and Mrs. Moyle up until the time the article came out and then is when the different ones in the Milwaukee company began to treat Mr. and Mrs. Moyle as though they had leprosy.

The Court: Have you completed your answer?



The Witness: Yes, sir.

Mr. Covington: We move to strike it out for the reasons stated, that it is hearsay, is an opinion and conclusion on the part of the witness and is immaterial and irrelevant.

The Court: The objection is overruled. The motion to strike out is denied. Exception to the defendants.

Q. And did you regularly attend the classes and meetings of Jehovah's Witnesses in Milwaukee? A. I did.

Q. Was your mother a member of Jehovah's Witnesses? A. She was.

Q. What is her name? A. Mrs. Newman.

Q. How long has she been a member? A. Since about 1914.

Q. What attitude did your mother take after this article of October 15th, as far as Mr. and Mrs. Moyle were concerned?

Mr. Covington: I object to that on the ground that it is immaterial and irrelevant and calls for a conclusion on the part of the witness.

The Court: Overruled. Exception to the defendants.

Q. What is your answer? A. May I answer?

The Court: Yes.

The Witness: May I have the question again?

The Court: What attitude did your mother take towards the Moyles after these articles appeared?

The Witness: My mother took the attitude just as the rest did—

The Court: Tell us what the attitude was. Answer the question.

The Witness: She took the same attitude that the rest did. She thought they were people not to be associated with.

Q. Were they then, the Moyles, residing with your mother? A. They were.

Q. What did your mother do, if anything, about their residing there? A. When she became suspicious of them—

Q. Did they continue to reside there? A. For a while they did.

Q. And then what happened? A. Then when the grapevine began to work, then my mother was influenced to sell her place.

Q. And do you know whether it came about through these articles? A. I believe it hurried it.

Q. Then did the Moyles move out? A. They did.

Q. How long after October 15th did they vacate from your mother's home? A. I don't remember if it was a month or so after that.

Q. Was there some incident with a family named Prudhomme? A. There was.

Q. What was that?

Mr. Covington: We object to that because it is clearly irrelevant and immaterial and calls for a conclusion and opinion on the part of the witness.

The Court: Objection overruled. Exception to the defendants.



Q. Were these Prudhommes, this Prudhomme family, members of Jehovah's Witnesses? A. They were.

Q. And for how long had they been members?

The Court: If you know.

A. I don't remember.

The Court: Were they members for some years?

The Witness: Yes, sir, for many years.

Q. And in the Milwaukee company? A. Yes, sir.

Q. And what attitude did they display towards Mr. Moyle? After this article "Information" of October 15th?

Mr. Covington: I have the same objection.

The Court: That is the same question and you have the same objection and the same ruling.

A. The Prudhommes offered Moyle a beautiful dinette set to use as long as they wished and when all these articles kept on coming out and the Prudhommes began to shun the Moyles, then the Moyles decided that perhaps they would want their dinette set back and returned it.

The Court: We are not interested in the Moyles' attitude towards this other family. We are interested in the attitude of that family towards the Moyles.

Q. Speak loud so the ladies and gentlemen of the jury can hear you. A. The Prudhommes



were very friendly towards the Moyles and offered a beautiful dinette set for the Moyles to use because they had no dinette set and then after a while their attitude changed.

The Court: They weren't friendly any more, is that what you want to tell us?

The Witness: They wouldn't speak with them at all.

Q. And did that continue permanently after the articles came out? A. It has.

Q. And has there been any lessening of that attitude or change in attitude on the part of the people that have shunned Mr. Moyle? A. Definitely not; it has grown worse.

Q. And you know a great many of the people in the Milwaukee company personally, do you? A. Yes, I do.

Q. And also people and around the suburbs of Milwaukee? A. I do.

Q. Friends, former friends of Mr. Moyle and attendants at the various meetings? A. I do.

Q. And you find generally that they have shunned—

Mr. Covington: That is leading.

The Court: It is leading. Your objection before the question is sustained.

Q. What can you say, if you have anything else to say, about the attitude of these people?

Mr. Covington: I object to that.

The Court: I think it has all been testified to. Objection sustained.

Mr. Bruchhausen: No further questions.



*Cross examination by Mr. Covington:*

Q. Mrs. Fink, that is pronounced Prudhomme? A. Yes.

Q. How do you spell it? A. I wouldn't know.

The Court: P-r-u-d-h-o-m-m-e.

Mr. Covington: Yes.

Q. And how long have you known the Prudhommes? A. Mrs. Prudhomme I have known since she was a small child. Mr. Prudhomme I have known ever since he entered the company.

Q. When was that? A. I don't recall.

The Court: Is it some years?

The Witness: Yes, sir.

Q. How long have you been a member of the Milwaukee company of Jehovah's Witnesses? A. Ever since I was a child.

Q. Did you join in the resolution, too, by the Milwaukee company, pledging the loyalty after Mr. Moyle read his statement? A. Yes, sir.

Q. You voted in favor of it? A. Yes, sir.

Q. And did you believe it? A. Yes, sir.

Q. Were you in favor of it when you voted? A. Yes, sir.

Q. At that time? A. Yes, sir.

Q. When was that? A. Sometime in the fall; I don't remember.

The Court: Speak up.

The Witness: Sometime in that fall or late fall, whenever it was.

Q. And prior to that you had just as much knowledge of the facts as you do now, do you not? A. I don't know what you refer to.



Q. At that time you had just as much knowledge of the facts as you do now, do you not? A. I still don't know what you are referring to.

The Court: Talking about the controversy or the letter of Mr. Moyle and Mr. Rutherford.

The Witness: Yes, sir, I did.

Q. And how came you to change your opinion against the Society? A. We felt that the Society was the channel of Almighty God at that time and we thought that the resolution stated whether we warranted to be faithful to the channel of God, which we thought was the channel of God.

Q. That was what you thought at that time? A. I did.

Q. Is your mother still one of Jehovah's Witnesses? A. She is.

Q. Who broke away from the Milwaukee company after the Moyle controversy? Name them. A. Ourselves.

The Court: Meaning you and your husband?

The Witness: Mr. and Mrs. Hirsch, Mr. and Mrs. Jacobs.

Q. Anyone else? A. Not that I recall.

Q. Do you attend Bible studies regularly? A. We do.

Q. And that is the same one that your husband referred to, is that correct? A. Milwaukee Bible Students.

The Court: The same one that your husband attends?

The Witness: Yes, sir.



Q. Most all the attendants are former members of the Milwaukee company of Jehovah's Witnesses? A. They are not.

Q. A great number of them are, are they not? A. A portion of them.

Q. And they include the group that has broken away from the Milwaukee company that you have named, is that right? A. They do.

Q. Prudhommes gave the Moyles their only dining room set in their own house? A. They did.

Q. Took it out of their house? A. They weren't using it.

The Court: That is not the question. They took it out of their house? Please answer the questions and we will get along quickly.

Q. I show you Defendants' Exhibit G and ask you if you have ever seen that. A. I have.

Q. When did you first see it? A. I acted as Mr. Fink's secretary, and typed it.

Q. And did you stay in his office all day? A. I did.

Q. You worked in the office with him? A. I do.

Q. And during that time Mr. Moyle was there, was he not? A. He was.

Q. And how long was Mr. Moyle in the office? A. All day long.

Q. And for what period of time, how many months? A. I wouldn't remember that.

Q. Did you ever see the printed— When did you first see the printed letter that is before you, not the typewritten letter? A. When it came back from the printers.

Q. When was that? A. I don't recall.

Q. What printer did the job? A. I would have to look that up. I don't recall.

Q. Do you have any idea of which printer you usually used? A. We had our stationery printed at different places. I wouldn't remember unless I looked it up.

Q. What places did you usually have your stationery printed at?

The Court: I think we have enough on that. She said she does not know where it was printed and you have asked her husband about it.

Mr. Covington: That is all.

(Witness excused.)

Mr. Bruchhausen: I would like to at this time read the deposition of the defendant, Matthew A. Howlett.

(Mr. Bruchhausen reads as follows:)

"MATTHEW A. HOWLETT, named as 'Malcolm' A. Howlett as a defendant in this action, having been duly sworn, testified as follows:

"*Direct examination by Mr. Bruchhausen:*

"Q. Where do you reside? A. 124 Columbia Heights, Brooklyn, N. Y.

"Q. And you resided there how long? A. About twenty-five years, off and on.

"Q. Were you an officer of either of the two defendant corporations in 1939? A. I was not.

"Q. Were you a director? A. I was not.



"Q. What is your occupation? A. Just a member of the family.

"Q. Do any special work there? A. Just my own particularly assigned job out in the field particularly.

"Q. What do you do in the field? A. House to house work, meeting with the different publishers, publishing the message of the Kingdom."

Mr. Bruchhausen: I think at this time we might define "publishers." Will you tell us what "publisher" is?

Mr. Covington: A publisher is one who preaches the Gospel of God's Kingdom and goes from house to house or otherwise preaches publicly.

Mr. Bruchhausen: And they distribute pamphlets?

Mr. Covington: Yes, and who use pamphlets and phonographs and other mediums of communication, radio, too.

Mr. Bruchhausen: I will continue reading.

"Q. Did you take part in organizing or conducting meetings of the Witnesses? A. Did I at that time?

"Q. At that time? A. Somewhat, yes.

"Q. What part was that? A. It was merely the conducting of the ordinary field activities and publishing the message of the Kingdom.

"Q. What does the organization in the field consist of? A. The various groups of Jehovah's Witnesses who express their desire to have individual participation in the publishing of the Kingdom message.



"Q. Do you have regional directors or leaders? A. Not now.

"Q. Did you then? A. At that time, yes.

"Q. What was that comprised of? A. Merely coordinating the activities of the different groups and conveying the information received from Brooklyn.

"Q. How many regions were there, set up in 1939? A. Offhand I could not tell you.

"Q. Approximately? A. 120 something but I couldn't tell you, I am only guessing.

"Q. More than one in a state? A. No. There wasn't one in a state.

"Q. Was there any in Wisconsin? A. Wisconsin was part of a region.

"Q. What did that region consist of? A. I do not know.

"Q. More than one state? A. I couldn't tell you in that particular case.

"Q. Did you have headquarters or offices in the field? A. I don't think I quite understand that question.

"Q. Did you have a place—a regular place, where meetings were held in the field? A. Each particular group of Jehovah's Witnesses is responsible for obtaining a hall or place to meet, yes.

"Q. Did you have a regular place or only rented when you have a meeting? A. In some instances it might have been rented full time or just for a meeting.

"Q. Who takes care of the renting of those places? A. The individual group.

"Q. Who pays them? A. They do.

"Q. From their own funds? A. Yes sir.



"Q. Were you in the field in the fall of 1939? A. Part of the fall, yes.

"Q. In Wisconsin? A. Yes.

"Q. When did you arrive in Wisconsin in the fall of 1939? A. September 24th.

"Q. Where? A. Milwaukee.

"Q. And did you conduct a meeting or meetings there? A. Yes.

"Q. Were they called at your suggestion? A. No, at the suggestion of the society.

"Q. Who, in the society? A. The service desk that is authorized to so call such a meeting.

"Q. Who was in charge of the service desk? A. I believe it was T. J. Sullivan at that time.

"Q. Prior to your leaving for Milwaukee did you receive information or instructions that a meeting would be held in Milwaukee? A. Yes.

"Q. And was the date fixed before you left? A. The date for the meeting—I understand it was, yes.

"Q. Was that a special meeting? A. It was called for a purpose, yes.

"Q. What was that purpose? A. It was for the purpose of conveying some very definite information.

"Q. What information? A. The information relative to the activities of individuals in and around Milwaukee and to communicate information contained in 'Information'.

"Q. Where was the meeting held in Milwaukee on September 24, 1939? A. The name of the auditorium I don't remember.

"Q. Who presided? A. I presided.

"Q Is there any leader in that section who



assisted you? A. No. I received no assistance from anyone in Milwaukee, it wasn't necessary.

"Q. In what way was the meeting called and knowledge given to the participants in it that it was being called? A. It is customary when meetings of that nature are to be held that information should come from the properly designated department at 117 Adams Street to an individual in the particular company called a company servant and he in turn will notify all those who are interested. In this case information was given by the company servant to those in Milwaukee and around Milwaukee to attend a meeting to be held Sunday, September 24th.

"Q. And who at 117 Adams Street had that in charge? A. That would be the service desk.

"Q. Who was in charge of the service desk? A. I already mentioned—Mr. Sullivan.

"Q. Who was the servant in Milwaukee? A. At that time his name was Ellison.

"Q. Was this an evening meeting? A. No, it was an afternoon meeting.

"Q. What was the practice of the servant in Milwaukee in calling the meeting—how was it called—mail, delivery, how? A. I presume he would use any of the local communications that he had time for—if he had time I imagine he would write—no specific means.

"Q. How many were in attendance at that meeting? A. Probably around 300, to the best of my memory.

"Q. Were minutes kept of the meeting? A. No.

"Q. Who was on the platform beside yourself? A. No one.



"Q. And what was done by you at that meeting. A. I addressed the gathering and gave them information relative to the activities that were being carried on in that area and then I read them the information that had been given to me to convey to the meeting at Milwaukee and I read the Information.

"Q. You mean the article entitled 'Information'? A. That is true, yes.

"Q. Did you read anything else? A. No, I spoke, I didn't read anything else except the scripture.

"Q. When did the article 'Information' first come to your attention? A. I was invited to attend a meeting that was called—not a board meeting but a meeting of different members of the board and I was asked to be present at that meeting.

"Q. Was Mr. Van Amburgh present? A. At that one I believe he was.

"Q. Had you heard anything of Mr. Moyle having written the letter of July 21, 1939 prior to this meeting you referred to of September 21st? A. Yes, I was acquainted with the fact upon my return to Brooklyn.

"Q. When did you first learn of that letter? A. I learned of his having written that letter the end of August.

"Q. In what way did you learn of it? A. I was informed by Judge Rutherford.

"Q. Had you heard of any complaint against Mr. Moyle prior to that time? A. No, not until I returned to Brooklyn.

"Q. You had occasion to talk to Judge Ruth-

erford frequently, didn't you? A. Prior to that time?

"Q. Yes. A. No, only very occasionally would we communicate from the field.

"Q. Were you present at the Madison Square Garden meeting in June, 1939? A. I was not.

"Q. Were you present in the Magistrates Court when the persons engaged in that meeting were being tried? A. I was not.

"Q. Do you know of anyone in the organization who was present at the Magistrates Court trial? A. I know of those who were on trial—Mr. Heath and Mr. Orell, and Mr. Moyle.

"Q. Know anyone else there? A. I couldn't swear, no.

"Q. Do you know of any time when he expressed any dissatisfaction with Mr. Moyle as an individual or as a lawyer? A. Yes. The cause of action was expressed in the meeting held on August 8th.

"Q. Were you present at that meeting? A. He told me of it.

"Q. At any other time did Judge Rutherford or anyone else in the organization express dissatisfaction with Mr. Moyle either as an individual or as an attorney? A. Not to my knowledge.

"Q. You were friendly with Mr. Moyle, weren't you? A. I was personally friendly with him—never had one word or altercation with him.

"Q. In other words there was no information conveyed to you prior to August, 1939 or dissatisfaction with Mr. Moyle either individually or as a lawyer? A. I don't think any information was conveyed to Mr. Moyle as to that.



"Q. There was no information conveyed to you prior to August, 1939 of dissatisfaction with Mr. Moyle either individually or as a lawyer? A. I don't—no sir, not to my knowledge.

"Q. You knew that Mr. Moyle was chief counsel of the organization during the years from 1935 to 1939, didn't you? A. No, I know he was special counsel—he wasn't chief counsel—Judge Rutherford was that.

"Q. Were there any other lawyers in the organization during that period acting for them? A. Oh yes, in other places, yes.

"Q. None in New York state? A. I don't know.

"Q. None attached to headquarters? A. No.

"Q. And all of the legal business of the organization was managed from headquarters, was it not? A. I wouldn't know that—I wasn't in the legal department, I don't know.

"Q. So that there was no dissatisfaction expressed by Judge Rutherford or anyone in the organization that you know of from 1918 to October, 1939 about an attorney acting for the organization or anyone in it other than Mr. Moyle? A. What time did you say?

"Q. 1918 to 1939? A. I don't know.

"Q. Anything that you know? A. Not to my knowledge.

"Q. Did you discuss that article with anyone? A. I presume that I participated in a study in the first article of the Watch Tower, yes.

"Q. What study did you make of the article 'Snares'? A. Nothing out of the ordinary, nothing more than the first article—it was no more important.



"Q. You stayed there at dinner quite regularly? A. All the time I was at Bethel, yes.

"Q. Isn't it customary to discuss matters affecting Jehovah's Witnesses at those meetings? A. What are you talking about—breakfast, dinner or supper?

"Q. Didn't it excite you? A. All of them excite my interest.

"Q. Weren't you interested in finding out about it? A. Not particularly.

"Q. You didn't inquire? A. I didn't need to.

"Q. Referring back to this Milwaukee meeting—did you read at that meeting a letter from Judge Rutherford? A. I read a letter at that meeting appointing me temporarily to the position of zone servant and relieving an individual, H. H. Fink, temporarily, but there was no reference to Moyle in that communication.

"Q. Did you attend a meeting in Kenosha?"

Mr. Bruchhausen: I think we can agree that that is in Wisconsin.

Mr. Covington: Yes.

"A. I don't just remember the towns I went to that time—there were several places around Milwaukee I attended, yes, but whether Kenosha was one, I don't just remember.

"Q. Were there other meetings around Milwaukee that were specially called? A. Yes.

"Q. And they were called for the same purpose as this Milwaukee meeting? A. In each zone when a zone servant fulfills his duty the individual companies in that zone are merely informed that the zone servant will call. Usually the zone servant himself informs the companies



—instead of informing them I went there they were not informed.

"Q. It was a specially called meeting wasn't it? A. No, it was in the regular course of the responsibility of the zone servant—they were not specially called any more than any other zone.

"Q. The meeting would not have been called if you weren't there? A. The meetings are never called unless they have some reason to arrange some specific service activity.

"Q. They are really all special meetings? A. From that angle, yes. All have a special purpose-field service.

"Q. Would you say you called a meeting in Kenosha? A. I won't swear to it now but the name is familiar.

"Q. Do you recall a meeting in Oshkosh?"

Mr. Bruchhausen: That is in Wisconsin.

Mr. Covington: Yes.

The Court: It is in Wisconsin.

(Mr. Bruchhausen continued reading as follows:)

"A. I do because that was the northern point of my trip.

"Q. How many people were at the Kenosha meeting? A. I couldn't tell you.

"Q. More than 100? A. I would not say—I would not be able to tell you that, it wasn't a large meeting.

"Q. How many at Oshkosh? A. I would not be able to tell you that—none were large meetings.

"Q. Did you at those two meetings in Kenosha and Oshkosh carry on in the same fashion as



Milwaukee as far as the information you conveyed to those meetings was concerned? A. I did.

"Q. Did you have a meeting at Beloit. A. I believe I did.

"Q. At Chicago? A. Yes, I did.

"Q. Waukegan? A. That's right.

"Q. And the same procedure was followed as at the Milwaukee meeting? A. Yes, that is true.

"Q. Are there any other field men who did somewhat the same service as you did? A. At that time?

"Q. Yes. A. Probably 150 of us.

"Q. It is possible that all of those field men were similarly instructed? A. I would not even dare say—it is possible—possible or probable.

"Q. Possible? A. That I would not be able to answer—lots of things are possible.

"Q. Were your expenses paid for your trips? A. My expenses?

"Q. Yes. A. Railroad expenses?

"Q. Yes. A. Oh yes.

"Q. You know Bonnie Boyd, don't you? A. I do, quite well.

"Q. She resided at Bethel prior to her marriage? A. Yes.

"Q. And she continued to reside there after her marriage? A. She certainly did.

"Q. Other than the parties involved, if the Judge had a situation before him similar to this one of Bonnie Boyd marrying someone and wanting to continue living there, he could permit them to live there regardless of the rule within his discretion without asking anyone else's acquiescence to it? A. That's rather a highly tech-



nical question or statement. No Bethel rule is made without consultation on the part of the individual and the president—I would not know how to answer.

"Q. With respect to that rule Judge Rutherford had the right to act? A. If it were a hard, fast rule, he would have the right to exercise his executive privilege, yes.

"Q. Without the acquiescence of anyone? A. As in the case of most rules, yes.

"Q. So he would not have to confer with anyone other than the parties? A. According to the modes at Bethel, he would, we didn't do business that way.

"Q. He has the right—I will ask you this. Did the President, who was Judge Rutherford at the time in 1939, have full power to act on Bonnie Boyd's case? A. The president had full power given him by the board of directors to act on any case that concerned the welfare of the Bethel Home, at the factory, at the publishing house at 117 Adams Street—as an executive president, yes."

The Court: We will take our morning recess now. Do not discuss the case amongst yourselves.

(Short recess taken.)

PETER O. MOYLE, 136 Fulton Street, Brooklyn, New York, called as a witness in behalf of the plaintiff, being first duly sworn, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. What is your occupation? A. I work in an office, personnel or employment office of a large company in Brooklyn.

Q. You are a native of Wisconsin, are you not? A. Yes.

Q. You are the son of the plaintiff, Olin Moyle? A. That is right.

Q. Did you come on from Wisconsin in 1935 with your father and mother? A. That is right.

Q. And took up your residence in Bethel at 124 Columbia Heights? A. Yes.

Q. What duties did you perform while you were there? A. Well, I worked for a while in the cafeteria, and then subsequently I worked as a linotype operator in the factory.

Q. And you resided at Bethel? A. Yes.

Q. I show you a photograph and ask you whether that is a picture of Bethel (handing to witness). A. Yes, that is.

Mr. Bruchhausen: I offer it in evidence.

Mr. Covington: No objection.

The Court: How is it material?

Mr. Bruchhausen: Just as a matter of description.

The Court: As long as there is no objection—

(The photograph referred to was received in evidence and marked Plaintiff's Exhibit 9.)



Q. You say that you were employed in the printing plant? A. Yes.

Q. At 117 Adams Street? A. That is right.

Q. Is that a very large building? A. Eight stories.

Q. And all occupied by the Watch Tower organization? A. Yes.

Q. All equipped with printing machinery for the various publications? A. Yes.

Q. Do you recall an incident concerning one Elmer Wagner? A. Why, yes.

Q. Who is he? A. He was a member of the Bethel Family.

Q. Did he have a room in Bethel with one of Mr. Rutherford's secretaries, Mr. Keller? A. That is right.

Q. Do you recall an incident there in connection with Mr. Wagner?

Mr. Covington: Your Honor, we think that that is immaterial and irrelevant.

The Court: I think we ought to ask one question first: When.

Q. When was it? A. Very shortly after I first came there. I would say within the first six months.

The Court: Objection sustained.

Mr. Bruchhausen: Your Honor, this has something to do with the activities at Bethel which are mentioned in the letter of July 21st—

The Court: This is in 1935, as I understand it.

Mr. Bruchhausen: Yes, but—



The Court: Objection sustained.

Mr. Bruchhausen: I except.

The Court: Certainly.

Q. Do you recall any other occasion or occasions about attending parties there in Bethel? A. Not in Bethel, but parties outside where Bethelites attended.

Q. All the members of the Bethel Family? A. Not exclusively, no.

Q. Were there many of those parties? A. Quite a few.

Q. And was liquor served on those occasions?

Mr. Covington: Your Honor, that would be immaterial.

The Court: Objection sustained, because I do not think this is all material to the issue at this time. It may be material later on if there is some controversy raised about the letter that Mr. Moyle wrote.

Mr. Bruchhausen: I will reserve it then.

The Court: For your information, I am going to hold in this case that the letter of Mr. Moyle's, the defendant must prove that it was published and that it was not privileged before the truth or the falsity of the issue is involved.

Mr. Covington: I did not quite understand it.

The Court: The stenographer will read it.

(The statement of the Court was repeated by the reporter.)

Mr. Covington: We take exception to that conclusion of law, and hold—



The Court: You have your exception which protects your record.

Q. Do you recall when your father and your mother and yourself left Bethel? A. Yes.

Q. And was that some time in August, 1939? A. That is right.

Q. Do you remember the date in August? A. No, I cannot remember the exact date. It was on a Tuesday.

Q. Had you, up to that time of your leaving, ever seen this letter that your father wrote? A. No, I hadn't.

Q. When did you first hear the contents of the letter? A. I don't recall. I guess it was some time after it was delivered—

The Court: If you do not recall, you do not recall. We cannot guess.

The Witness: I don't recall.

Q. Do you recall being at dinner or luncheon on the day that you left Bethel? A. Yes.

Q. Did anything happen there about the letter? A. Yes, the letter was read before the entire Family.

Q. Who read it? A. Mr. Keller.

Q. He was one of the secretaries of Mr. Rutherford? A. That is right.

Q. And Mr. Rutherford was present? A. Yes.

Q. Did you leave Bethel that same day? A. Yes, in the afternoon.

Mr. Bruchhausen: That is all.



*Cross-examination by Mr. Covington:*

(Handing document to witness.)

Q. Will you please look at that document you hold in your hand and tell the jury what it is. A. It is a letter I wrote to Judge Rutherford.

Q. What is the date of it? A. I don't remember the date.

Q. What date does it show? A. There is no date on here.

By the Court:

Q. What "Watch Tower" is it? A. It is in the December 15, 1939 "Watch Tower."

By Mr. Covington:

Q. Is that the letter that you wrote Judge Rutherford? A. It is a copy of it.

Mr. Covington: I would like to have it marked, introduced.

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit J.)

Mr. Covington: I will read it to the jury.

(Mr. Covington reads Defendants' Exhibit J to the jury.)

Q. What concern do you say you worked for? A. I did not name it.

Q. Name it, please. A. E. W. Bliss Company.

Q. Where is that located? A. In Brooklyn.

Q. What is the address in Brooklyn? A. 53rd Street and Second Avenue.



Q. What sort of business is it, please? A. They manufacture large machinery.

Q. What type of machinery?

The Court: Everybody knows them. I think you are going to run into a little difficulty. They do war work to a great extent.

Q. Do you have any connection with Dawn, Incorporated? A. No—what do you mean by "connection"?

Q. Have you ever been employed with the Dawn? A. No, I haven't.

Q. Have you ever acted as a linotype operator for the Dawn? A. Not as an employee of theirs.

Q. Have you ever operated a linotype at Dawn, Incorporated? A. Yes.

Q. Have you ever set up the Lithuanian Dawn? A. Yes.

Q. Now, whom did you do that for? A. Mr. Musican.

Q. Who is he? A. He is the translator.

Q. Did you do that for the Dawn, Incorporated? A. No.

Q. Who is Musican? What is his connection with the Dawn? A. I don't know his connection.

By the Court:

Q. Who paid you? A. Mr. Musican.

By Mr. Covington:

Q. Does he have any connection with the Dawn? A. He must.

Q. How long have you known him? A. I have known him since about 1936 or 1937, maybe earlier.

Q. I show you here Defendants' Exhibit G (handing to witness), and ask if you have ever seen that. A. Yes.

Q. Where? A. In Milwaukee, in Wauwatosa.

Q. And when did you see that? A. I am not sure whether I saw that in Wauwatosa or after I came back.

Q. After you came back to Brooklyn, you mean? A. Yes.

Q. Did you bring any of them back with you to Brooklyn? A. No.

Q. If you saw it after you came back to Brooklyn, where would you see it? A. It might have been mailed to me.

Q. By whom? A. By my father.

By the Court:

Q. Are you sure, or don't you know? A. No, I don't know.

By Mr. Covington:

Q. Have you ever mailed this document here to anyone (indicating)? A. I doubt if I mailed that particular one.

Q. Did you mail one like it? A. There were two documents. I may have mailed one or both to one party.

Q. Whom? A. To Mr. Henry McKay.

Q. Who is he? A. He is a member of Jehovah's Witnesses.

Q. Where does he reside? A. On Norman Avenue in Brooklyn.

Q. When did you do that? A. That was after I had separated from the Astoria company of Jehovah's Witnesses.

Q. How long did you set up the Lithuanian Dawn?



Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: Your Honor, I was going to show the length of time that he was employed.

The Court: Objection sustained.

Mr. Covington: We except.

Q. What other document did you mail to this gentleman? A. The printed letter of my father's.

(Paper is handed to the witness.)

A. (Continued) This is the one.

By the Court:

Q. There are two there? A. Yes.

Q. Are those the two that you say you mailed to one person? A. That is right.

By Mr. Covington:

Q. I hold in my hand what you have identified, an envelope dated February 1, 1941, which reads "After five days return to Peter Moyle, 102 Diamond Street, Brooklyn, N. Y.," containing—it is addressed to "Henry McKay, 82 Norman Avenue, Brooklyn, N. Y.," and it contains a printed document entitled "Information vital to Jehovah's Witnesses," dated September 25, 1940—

Mr. Bruchhausen: I object to counsel reading what it is.

Mr. Covington: We would like to introduce it in evidence. It is the letter that he recognizes.

Mr. Bruchhausen: May we have for the record the date it was mailed?

The Court: It has already been read into the record.



(The paper referred to was received in evidence and marked Defendants' Exhibit K.)

*Redirect examination by Mr. Bruchhausen:*

Q. You have been asked about a letter written to Mr. Rutherford. Do you recall when that letter was sent? A. It was sent shortly after I came back to Brooklyn from Wisconsin. That was in the Fall of 1940.

Mr. Bruchhausen: I call upon the defendant to produce the letter.

Mr. Covington: It was printed. Here is a copy (indicating). It was published and held in the files.

The Court: Is it dated?

Mr. Covington: It has the date of October 30th stamped on it.

Mr. Bruchhausen: I ask to strike out the date that they put on it.

The Court: Strike it out.

Mr. Bruchhausen: I think for the record we might have it that this letter is in the "Watch Tower" of December 15, 1939.

The Court: That is in the record.

Q. You were a member of the Watch Tower classes for some time? A. Yes.

Q. When did you first start going to the classes? A. Well, when I was very small at home in Wisconsin, when I was about ten, twelve.

Q. And you kept your attendance up until the time your family moved to Brooklyn in 1935? A. Yes.

Q. That is out in Wisconsin? A. Yes.



Q. Then I assume you attended classes at Bethel during the period from 1935 to 1939? A. Yes.

The Court: How is this proper redirect examination.

Mr. Bruchhausen: I am just leading up this letter.

The Court: All right.

Q. Then you say you were at the classes in Astoria, is that right? A. Yes.

Q. Is that the time when this letter was written? A. Yes.

Q. Was there anyone who asked you to write that letter? How did it come about? A I don't know—no one asked me to write it.

Q. What was the attitude of the members of the class towards you in Astoria? A. They refused to speak to me or recognize me, and I felt that some explanation on my part was necessary to get back into the good graces of the society.

Q. And that led to your writing the letter? A. That is right.

Q. Then what happened afterwards? Did you withdraw from the company? A. Yes.

Q. What did you do? Did you write them a letter then? A. I wrote the head of the local company in Astoria a letter of withdrawal.

Q. You haven't a copy of that letter, have you? A. Not here. I have it home.

Q. Can you give us the substance of that letter? A. Yes. It stated that I was convinced that the society wasn't God's organization, and that with those convictions I couldn't very well continue to hold the position that I had with



them. I was stock-keeper out there. So I turned it all in, all my keys and everything.

Q. You say in this letter that you disapproved of the letter of your father. Is that your same attitude now? A. No. The reason—

Mr. Covington: Wait a minute. The letter speaks for itself.

The Court: He asked him his attitude now, and the answer is "No."

Q. What else have you to say about that?

Mr. Covington: That calls for a voluntary opinion on the part of the witness.

The Court: Objection sustained, because I think it is incompetent.

Mr. Bruchhausen: Exception.

Q. Have you stated when you withdrew from the Astoria company?

The Court: Approximately will do.

A. I think it was in the spring of 1940.

Q. Did that come about through your own volition? A. Yes.

Q. After consideration of various matters? A. Yes; chiefly their doctrines.

Mr. Bruchhausen: That is all.

(Witness excused.)



PHOEBE M. MOYLE, Johnson Creek, Wisconsin, called as a witness in behalf of the plaintiff, being first duly sworn, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. You have been a member of Jehovah's Witnesses how long, Mrs. Moyle? A. From around 1914.

Q. You are a native of Wisconsin? A. That is right.

Q. When you came to Brooklyn in 1935, what duties were you assigned to there? A. I was, I suppose you would call it, chambermaid. I had charge of the bedrooms on the third floor.

Q. And then you worked in the printing plant after that? A. I was on the floor, I think, about a year, and then I went to the office over at the printing plant.

Q. You performed the duties that were assigned to you there? A. That is right.

Q. Do you recall the time that you left Bethel in August, 1939? A. Yes, sir.

Q. Did you leave rather hurriedly on that occasion? A. Yes. We were notified at noon of a Tuesday and had to be out before night that same day.

Q. So you vacated and went back to Wisconsin? A. That is right.

Q. Did you attend the classes out in Wisconsin after you got back? A. Yes, sir.

Q. In what town or city? A. Milwaukee.

Q. And during what period? A. Well, from the time we got back until the April, I think, of 1940 or 1941—1940, I think.

Q. And do you recall the article "Informa-

tion" that was published in the "Watch Tower" on October 15th? A. Yes, sir.

Q. Did you notice any change of attitude on the part of the classes in Wisconsin that you attended toward you and Mr. Moyle? A. Yes, sir.

Mr. Covington: We are going to object to that question and the answer for the same reason as we had to the other testimony.

The Court: Objection overruled, and exception to the defendants.

Mr. Covington: May I state the grounds, or is it necessary?

The Court: I do not think it is. You said the same grounds as you said to each witness, so the record will be straight. If you care to state the grounds, you may. I do not think it is necessary myself.

Mr. Covington: That is all.

Q. What did you notice there about the attitude of those people in the classes? A. Our one-time friends were no longer friends.

Q. And there were a number of people in those classes, were there not? A. Yes, sir.

Q. Did they avoid you and your husband? A. Yes, sir.

Q. Do you recall the article "Snares" of November 15th? A. Yes, sir.

Q. Was there any change of attitude after that article came out? A. Yes, sir. The avoidance was more noticeable.

Q. What town did you take your residence



up in after coming from Brooklyn? A. Wauwatosa, a suburb of Milwaukee.

Q. How long did you stay there? A. We left there on the—

The Court: How long did you stay there?

Q. About how long; a year or so? A. It was over a year.

By the Court:

Q. A little over a year? A. That is right.

By Mr. Bruchhausen:

Q. Were there some Jehovah's Witnesses residing in Wauwatosa? A. Quite a number.

Q. Were they members of what class? A. Of the class of Jehovah's Witnesses.

Q. In Milwaukee? A. In Milwaukee.

Q. And you had been acquainted with them? A. For a good many years.

Q. Did you notice any difference in attitude of those people towards you after the article of October 15, 1939? A. Yes, a decided—well, they just had nothing to do with us and did not speak to us on the street or in the meeting places.

Q. Did you finally move away? A. To Johnson Creek.

Q. Had you ever resided in Johnson Creek before? A. No, sir.

Q. Can you give any reason why you moved?

Mr. Covington: I object to that.



The Court: I think that is immaterial. Objection sustained.

Mr. Bruchhausen: Exception.

Q. Did you find that the people that you knew, the Jehovah people, subsequent to November 15, 1939, were less friendly or more friendly? A. They were much less friendly. There were many of them who wouldn't recognize us.

By the Court:

Q. That had been friends before, is that what you mean? A. Yes; had been friends for years, some fifteen or twenty years.

By Mr. Bruchhausen:

Q. And has that continued up to the present time? A. Yes.

Q. Did that have any effect on your health?

Mr. Covington: That is undoubtedly immaterial.

The Court: Objection sustained. She is not a plaintiff here.

Mr. Bruchhausen: Exception. Your Honor, I assume, takes the same attitude about proving the matters that went on in Bethel attached to Mr. Moyle's letter, that we reserve those until later?

The Court: Yes.

*Cross-examination by Mr. Covington:*

Q. Mrs. Moyle, when did you first go to Bethel, please? A. 1935.

Q. And you continued to reside there how long, please? A. Until August, 1939.



Q. Did you help your husband prepare the letter that is dated July 21, 1939? A. I did not help him prepare it.

Q. Did you read it over after he had written it and before he delivered it? A. I did.

Q. And did you discuss the matters contained in the letter? A. With my husband?

Q. Yes. A. Yes.

Q. How long did you discuss those matters before you wrote the letter, please—before he wrote the letter? A. I think we discussed it about a week.

Q. And had you discussed the matters prior to that? A. Not of leaving, but of conditions that we found there.

Q. I notice in this letter that you say that "Shortly after coming to Bethel, we were shocked to witness the spectacle of our brethren receiving what is designated as a trimming from you." You approved of that statement, didn't you? A. Yes, sir.

Q. When was that that you first noticed this attitude or condition? A. The first trimming, if you want to use that word—

Q. That is what is used in here. A. The first trimming was given to C. J. Woodworth.

Q. What year was that? A. That must have been in 1935. It was shortly after we came there.

Q. And then you describe in this letter certain conditions that continued to exist from 1935 until 1939, is that right? A. That is right.

Q. During the year 1935, these same conditions, you say, persisted, is that right? A. Well, there was this incident that I mentioned first. That was the first incident in 1935.



Q. But during 1935 did you have the same opinion that you did in 1939 concerning the conditions? A. No, sir. In 1935.

The Court: The answer is "No, sir."

Q. When did you form the opinion that you have expressed in this letter here? A. What opinion?

Q. The opinion that is expressed by your husband in your behalf in the latter dated July 21, 1939.

The Court: Don't you think you should ask her whether that was her opinion?

Q. Do you subscribe to what is stated by your husband in this letter? A. I do.

By the Court:

Q. And did you at the time it was written? A. I did.

By Mr. Covington:

Q. That demonstrates or expressed your opinion in 1939, did it not? A. That is right.

Q. When did you form that opinion? A. During that period of time that we were in Bethel.

Q. When is the first time that you formed your opinion expressed in this letter? A. That would be impossible to say.

Mr. Bruchhausen: I object to the question. It calls for a conclusion.

The Court: Objection overruled. I will let her answer if she can.

A. (Continued) There was no definite time



when my opinion—when you could say my opinion was made up, but it was the result of living there for that period of time.

Q. You say you did not have it in 1935? A. That is right; when we came, we did not have it.

Q. Did you have it in 1936?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained as already answered.

Q. What date, approximately, did you form the opinion expressed in this letter?

Mr. Bruchhausen: That is objected to.

The Court: Objection sustained as already answered.

Mr. Covington: Exception.

Q. When is the last time that you read the letter, please, ma'am? A. Oh, I haven't read it for over a year.

Q. You have not read it recently? A. No, sir.

Q. In the last paragraph of the letter written by your husband, it says "We have considered this action for some time," that is, the action of resigning and leaving Bethel—

Mr. Bruchhausen: Just a minute. I object to counsel's interpretation.

The Court: Objection sustained. If you care to read her the whole paragraph, I will permit you to.

Q. "We leave in order to register most emphatically our disagreement with the unjust conditions related in this letter." You remember that part of the letter, don't you? A. I do.

Q. The beginning of the next paragraph says "We have considered this action for some time, but this letter is delivered to you just as we are leaving on a vacation trip for specific reasons." How long had you and your husband considered the action contemplated in this letter? A. I think about a week.

Mr. Bruchhausen: I object to this question.

The Court: I will let the answer stand. She said "I think about a week."

Q. And not before then? A. No, sir.

Q. Did you ever have any controversy with any of your brethren or sisters at Bethel? A. No, sir, not that I remember of.

Q. Did you resent the action of any of your sisters or brethren towards you while at Bethel? A. Well, I did not like the inference that I was —well, that I couldn't take liquor.

Q. What individual—was that a man or a woman? A. Usually the men going up in the elevator.

Q. The elevator in the building or at Bethel? A. Both places.

Q. Did you know Elizabeth Louise Hamilton? A. Yes, very well.

Q. Did you ever have any controversy with her? A. No controversy.

Q. What was your feeling or attitude towards Elizabeth Louise Hamilton? A. She was an old lady and—

The Court: He asked you what was your feeling or attitude towards her, not who she was.



The Witness: I don't know what my feeling was towards her.

Q. Was it friendly or unfriendly? A. Just neutral.

Q. Did you ever refer to Elizabeth Louise Hamilton as "An old devil," "Go on, you old devil"? Do you remember that? A. No, sir, I never did.

Q. When you came to Bethel or before you came in 1935, you had a home in Wisconsin, did you not? A. That is right.

Q. And you knew where you were going to, did you not? A. I knew we were going to the headquarters of the Watch Tower.

Q. And you intended to go there, did you not? A. That is right.

Q. Did you go voluntarily? A. That is right.

Q. I ask you, please, whether or not, if you sold all your goods and wares and furniture and household equipment and everything when you left? A. We did.

Q. Where were you residing, please, ma'am, before you came to Bethel? A. In Union Grove, Wisconsin.

Q. How long had you resided there? A. Since Peter was ten years old.

The Court: Many years.

Q. Did you desire to come to Bethel yourself, or was it due to the persuasion of your husband that you came? A. I desired to come.

Q. And your husband did not persuade you come to Bethel, is that correct? A. No, sir.

Q. Is it not a fact that you were not in favor of coming to Bethel?



The Court: Objection sustained. She has already testified that she was.

Q. Is it not a fact that you made statements to certain individuals that you were not in favor of coming to Bethel? A. No, sir, I never did.

Q. Do you remember the occasion when you were auctioning off all the furniture in the house before you left? A. Yes.

Q. And you were greatly disturbed over having to see the home broken up, is that correct? A. That is right.

Q. And you stated that you did not want to come to Bethel? A. I did not.

Q. Did you state that you regretted seeing all the furniture go and the home broken up? A. I did not.

Q. Did you state to anyone that you did not know whether or not you would be pleased at Bethel or not? A. I don't remember ever saying that.

Q. Did you state to anyone that if after you got to Bethel conditions were not as you expected or that you could not live in Brooklyn, that your husband had agreed with you to return in the event that it is not satisfactory to you? A. I never said that. We expected to stay there.

Q. Did you have an agreement and understanding with your husband in 1935 that if it was not satisfactory, that he would return to Wisconsin?

Mr. Bruchhausen: Objection.

The Court: Objection sustained as already answered.

Mr. Covington: We except.



Q. In 1936, after you had been at Bethel a year, had you any dissatisfaction or disapproval of the conditions there? A. We saw things that —I saw things that I did not approve of, yes, sir.

Q. I show you a document and ask you to identify and tell the jury what it is, please (handing to witness).

Mr. Bruchhausen: Not until we see it, if your Honor please.

The Court: Identify it.

A. Yes, that is a questionnaire that we filled out.

By the Court:

Q. Before you went back to Bethel? A. No, after we got there.

By Mr. Covington:

Q. That is the one that you filled out, is that right? A. After we got there.

Mr. Covington: I offer it in evidence.

Mr. Bruchhausen: No object.

(The paper referred to was received in evidence and marked Defendants' L.)

Q. At the time you signed your application on May 8, 1936, after you had been in Bethel a year, did you express to the individual that you signed it before any dissatisfaction of the conditions there? A. I remember that. We were supposed to sign that when we came in—

The Court: That is not what he asked you.



Q. When you signed this, did you express to the individual before whom you signed it any dissatisfaction with the conditions existing at Bethel, please ma'am? A. I think I signed it in my room and took it down to the office.

Q. When you took it to the room, did you express any dissatisfaction?

The Court: You mean "When you took it to the office"?

Mr. Covington: Yes.

The Court: You said "to the room."

A. I don't think so.

Q. You did not? A. I did not.

Q. During the time you were at Bethel and prior to the time that you wrote—that your husband wrote the letter dated July 21, 1939, did you express to any member of the Bethel Family your dissatisfaction of the conditions at Bethel? A. I may have.

Q. To whom? A. I wouldn't know to whom.

By the Court:

Q. You don't know whether you did or whether you did not, is that what you want to tell us? A. I may have.

By Mr. Covington:

Q. You are not sure of that, are you? A. No.

Q. Did you express your dissatisfaction or disapproval of the conditions to anyone on the outside of Bethel during that time? A. I may have.

Q. Did you ever, during the years from 1935



to 1939, express to anyone your desire to return to Wisconsin? A. Only my husband.

Q. When was that? A. When we were discussing whether we would go back or not, that week.

By the Court:

Q. The week before the letter was written? A. Yes.

By Mr. Covington:

Q. That was the first time? A. I don't remember any other.

Q. Did you ever have a conversation with Grover C. Powell of Atlanta, Georgia, prior to the time that you came to Bethel? A. I have spoken to him.

By the Court:

Q. Before you went to Bethel, before 1935? A. No.

By Mr. Covington:

Q. Since 1935 have you had a conversation with him with reference to your desire to come to Bethel? A. Not that I remember.

Q. Is it not a fact that you told Mrs. Grover C. Powell and Mr. Grover C. Powell that you did not want to come to Bethel to begin with? A. I did not.

Q. You did have a conversation with them, did you not?

The Court: She has testified she did not remember.

Q. Did you say you may have had a conversation? A. I said I did not remember.

Q. You say that the same attitude was not displayed at Wisconsin after you returned there as it was before you left, is that right? A. That is right.

Q. Was that immediately after you returned? A. No, sir.

Q. Do you desire now to be associated with Jehovah's Witnesses? A. I do not.

Q. Do you agree to and subscribe to the doctrines published by the Watch Tower Bible & Tract Society? A. I do not.

Q. Since when—did you ever agree or subscribe to the doctrines contained and published by the Watch Tower Bible & Tract Society? A. I did.

Q. Did you subscribe to those doctrines all during the time that you were at Bethel? A. When an article came out that did not seem to be backed by the Bible, I did not agree with it.

Q. What article did you have in mind? A. Well, I think the first one was "The Interpretation of Joseph and His Brethren."

Q. And the next one? A. I don't remember.

Q. Is it not a fact that you are a Prohibitionist? A. No, sir.

Mr. Bruchhausen: I object to that.

The Court: How is that material? The objection is sustained; exception to the defendants.

Mr. Covington: I take an exception to the action of the Court in limiting my cross-examination.



The Court: I am not limiting your cross-examination. I have ruled on a question. I will have no controversy.

Mr. Covington: The charges have been made in the letter—

The Court: There are no charges here. We will have no statements. Your record is entirely protected by your exception.

Mr. Covington: I want to complete my exception——

The Court: You will please make no further statement concerning that objection and exception. You have asked a question and you have had a ruling.

Mr. Covington: I would like now to tender—

The Court: Ask any question you want.

Mr. Covington: I want to show what the answer would be so that the—

The Court: There will be nothing like that in this court-room. Your record is protected.

Mr. Covington: May I do it in the absence of the jury?

The Court: I will be glad to see both counsel in the absence of the jury.

Mr. Covington: That is all. I have no further questions.

Mr. Bruchhausen: No further questions.

(Witness excused.)

Mr. Bruchhausen: I would like to read the deposition of Nathan H. Knorr, the present president of the association:



"NATHAN H. KNORR, having been duly sworn, testified as follows:

"*Direct-examination by Mr. Bruchhausen:*

"Q. Your residence? A. 124 Columbia Heights, Brooklyn.

"Q. How long have you resided there? A. Since September, 1923.

"Q. What office do you hold in the defendant corporations? A. Now, President of the Watch Tower of Pennsylvania and Watch Tower of New York.

"Q. And what office did you hold in these corporations in 1939? A. Vice President of the New York corporation.

"Q. Did you hold any other office in either organization? A. No, sir.

"Q. You were director of both organizations in 1939? A. No, sir, just in New York.

"Q. What was your occupation as far as the publishing of the Watch Tower magazine is concerned in 1939? A. Factory and office manager.

"Q. You were in charge of the so-called printing plant of the corporation at 117 Adams St.? A. Yes, sir.

"Q. Both of the defendant corporations published the magazine, did they not? A. Yes, sir.

"Q. And both circulated the magazine? A. Yes, sir.

"Q. What was the circulation of the magazine in October and November, 1939? A. Approximately 160,000 copies of the Watch Tower.

"Q. And they were mailed to individuals in the United States and elsewhere? A. Yes, sir.



"Q. You attended the meeting of August 8, 1939? A. Yes, sir.

"Q. When was it first brought to your attention that Mr. Moyle had written the letter of July 21, 1939? A. At that meeting, August 8th.

"Q. And Judge Rutherford read the letter did he not? A. No, sir, he called his secretary in to read the letter.

"Q. And as a result of the reading of the letter a resolution was prepared? A. A motion was made, as I recall, that a resolution be prepared, seconded and the persons were selected to draw up a resolution.

"Q. The resolution is only a part of the entire article 'Information' is it not? A. Yes, sir.

"Q. The rest of the article entitled 'Information' other than the resolution was not prepared or submitted at that meeting? A. Of August 8th?

"Q. Yes. A. No, sir.

Q. When and by whom was the balance of the article prepared? A. I don't know.

Skipping further down on the page:

"Q. Was it then considered and ordered that it be published? A. I believe it was.

"Q. And prior to September 21, 1939 you hadn't seen any part of that article except the resolution? A. No, sir.

"Q. Was the article prepared when you arrived at the meeting? A. I think it was.

"Q. And did Judge Rutherford submit it to the meeting? A. Yes, sir, it was read over carefully and as I remember, discussed.

"Q. Did he read it? A. I don't remember.



"Q. All of the signers of the article were present, three of them, is that correct? A. That is my recollection.

"Q. And who submitted the article to them for signature and under what circumstances? A. Those that were present, according to my recollection, were invited to sign it if they agreed with the information contained in it.

"Q. How long did the meeting last? A. Oh, I would say, 35 or 40 minutes.

"Q. And how and under what circumstances were the signature of the three absentees obtained? A. My recollection is that they were not in the building at the time the article 'Information' was presented to them—well before it was published in the Watch Tower they were asked if they cared to sign it.

"Q. Who took the resolution from the meeting? A. I don't understand.

"Q. After the meeting, who had the resolution?

"Mr. Covington: You mean the article 'Information'?

"Q. Yes, the article 'Information'. A. It was left with Judge Rutherford.

"Q. And when did you next see it, if you did see it? A. The next time I saw it was when it was sent to the office for publication in the October 15, 1939 Watch Tower.

"Q. Do you know about when that was? A. That would have been somewheres around October 1st.

"Q. Was the original handed to you at that time? A. I couldn't say.



"Q. And who handed it to you? A. Judge Rutherford.

"Q. Do you know whether or not Judge Rutherford personally obtained the signatures of the other three? A. He must have because they are in Watch Tower.

"Q. At least you didn't see them sign? A. I didn't see them sign personally.

"Q. When did the article 'Snares' come to your attention for the first time? A. When I read it in the Watch Tower magazine some time a few days before the 15th of October.

"Q. There was an article published in the Watch Tower about September 1st, was there not, bearing upon Mr. Moyle? A. I believe there was a short notice, yes—I can't be definite on the issue unless I look it up.

"Q. Well, you heard Mr. Howlett say that a meeting was held on September 21st, didn't you? A. Yes, sir.

"Q. And that's the meeting when the article 'Information' was signed, is that not correct? A. Will you please state that question again?

"Q. You recall the meeting of September 21st—you were present? A. Yes, sir.

"Q. And that's when the article 'Information' was brought to your attention and signed? A. Yes.

"Q. And that's the time when Mr. Howlett was instructed to go to Wisconsin, was it not? A. Yes.

"Q. So far as you know he didn't receive any instructions to go out there prior to that time? A. Not to my knowledge."

Next page:

"Q. Well, Judge Rutherford and the Board of Directors or members of it were available between August 8, 1939 and September 24, 1939, were they not? A. Yes, sir.

"Q. When did the article 'Snares' first come to your attention? A. When I read it in the Watch Tower magazine after it was printed and published.

"Q. Didn't you take part in its publishing? A. I received the manuscript and passed it through in the regular routine manner but I had never—

"Q. When did you receive the manuscript? A. It was customary to receive the manuscript approximately 30 days in advance of the date of issue—that would have been September 15th.

"Q. I call attention to the fact that the article 'Snares' was published on or about November 15, 1939.

> "Mr. Covington: The 'Snares' article was published in November, wasn't it? When he said a month before that would make it October 15th instead of September 15th, wouldn't it?

"Q. Is that your answer? A. That's my answer, yes, because it was a month before.

"Q. Did Judge Rutherford hand that article to you? A. Sometimes he handed them to me and sometimes they were sent to my desk.

"Q. They all came from him didn't they, including the article 'Snares'? A. Yes, it came from his desk.



"Q. Did you read it when it was handed to you? A. No, sir, I did not."

Skipping to the next page:

> "Mr. Covington: On or about July 16th, sometime between the middle and the last of July, 1939, after the disturbance in the Madison Square Garden and after the arrests of June 25, 1939, those three defendants were called for a preliminary hearing before the Magistrates Court in the Court House across from the Tombs, Criminal Court Building. At that time a hearing was had as to whether or not they would be continued in bail or whether they would be discharged, whether or not they would be held for General or Special Sessions. The conclusion was to hold it at Special Sessions. That hearing was adjourned—was concluded that same day it was held, I don't know the exact date—sometime in the middle or latter part of July.
>
> Then, in October or November—at least two or three months later, the trial of this matter before a Court of Special Sessions was held in the same building before Magistrates Flood, Pearlman and another at Special Sessions; at that time a hearing was had and the three defendants were acquitted. At the preliminary hearing, as I best recall—hearing was had to determine whether or not they would be held or discharged. The matter was handled by Mr Moyle and a gentleman by the name of



> Mr. Wheelis. However, at the hearing in October the matter was handled by Abraham Shamos. That's the final at the Court of Special Sessions—that's the distinction. At one of those hearings Mr. Knorr was present, at the other he was not."

Skipping down further on that page:

"Q. I am asking you if any information came to you, irrespective of whether or not you attended the hearing, as to any complaint made by anyone in the organization that Mr. Moyle failed to properly act as a lawyer for the defendants at that preliminary hearing? A. Yes, Judge Rutherford mentioned it to me.

"Q. When did you first hear it from Judge Rutherford? A. At the meeting of August 8th.

"Q. And what did he say? A. Can I give the exact words?

"Q. Yes. You are now referring to some manuscript? A. I am referring to some minutes of that meeting.

"Q. Minutes of the meeting—yes? A. Judge Rutherford speaking, says: 'You might explain, Moyle, why you were so familiar in the court with McDonald—patting him on the back when you knew that he was one of the leaders in the assault on the Lord's organization at Madison Square Garden. Had you performed your duty to our brethren the situation would have been far better for us now in the fight with the enemy who attempted to break up the Madison Square Garden meeting.' To this statement of Judge Rutherford you might explain, Moyle' no comment was forthcoming from Moyle.



"Q. That is the first information you received of any complaint against Mr. Moyle? A. Yes, at that meeting of the 8th.

"Q. Do you know whether Judge Rutherford was present at the preliminary hearing? A. I don't know.

"Q. You had occasion to speak to Judge Rutherford between the date of the preliminary hearing and August 8th, had you not? A. I would frequently speak to him but not particularly about this trial.

"Q. Didn't he see you practically every day between that period I have mentioned? A. Every day if he was at 124 Columbia Heights—not always to talk business—

"Q. You saw him frequently during that period? A. Yes.

"Q. He didn't mention anything to you about any dissatisfaction with Mr. Moyle during the period I have mentioned? A. No.

"Q. Did anyone in the organization or outside mention to you any dissatisfaction with Mr. Moyle prior to August 8, 1939? A. No, sir.

"Q. Did you know of any lawyer whom Judge Rutherford or the organization had any dissatisfaction with at any time? A. Not that I recall, no.

"Q. And you have been there how many years? A. 18 years.

"Q. You had occasion to meet Mr. Moyle during his stay in Bethel from May, 1935 to 1939, did you not? A. I am of the opinion that it was from June, if I may make that correction.

"Q. You can correct me on that. A. I didn't meet Mr. Moyle until June some time, 1935.



"Q. I will ask you—between June, 1935 and August, 1939 whether you met Mr. Moyle and spoke to him? A. Quite frequently.

"Q. And you never knew of any dissatisfaction with him or any complaints about him during that period? A. No, sir.

"Q. Was there any other court proceeding that you knew of where any lawyer represented the organization where there was any complaint made about the lawyer? A. Not to my knowledge.

"Q. And you attended all the directors' meetings, did you not? A. As long as I was a director. I haven't been a director for 18 years.

"Q. How long were you a director? A. The record would show; if you want an estimate, I would say approximately 10 years in the New York corporation.

"Q. And how often did the directors meet during that period? A. It varied—always had the annual meetings and intermittently certain business that had to be presented to the Board.

"Q. Can you think of any other person to whom the article 'Snares' would allude, other than to Mr. Moyle? A. No, I couldn't.

"Q. Wasn't it your reaction that the article was directed to him? A. When I read it I thought of Moyle—if the writer had anything more on his mind, I can't say."

Now skip over to page 118:

"Q. You knew that Moyle was a member of Jehovah Witnesses from June, 1935 to August, 1939? A. Yes, sir.

"Q. And you knew that after the meeting of August 8, 1939, Moyle was directed and ordered to vacate immediately? A. I did.



"Q. Did Judge Rutherford give those instructions? A. It was the recommendation of the entire board to Judge Rutherford in that resolution.

"Q. Was there any meeting of the board at which the article 'Snares' was discussed? A. None that I know of.

"Q. Did you make any investigation of any kind as to the activities of Mr. Moyle when the article 'Information' was called to your attention? A. Please state that again.

"Q. Did you make any inquiry or investigation in connection with the article 'Information' after that was called to your attention? A. Well, I already knew that Mr. Moyle had written and what was written in his letter and that was sufficient knowledge to me that the article 'Information' was proper and correct and therefore I signed it."

Now, skip to 122:

"Q. When you speak of work as to these places, do they produce food? A. Yes, that is where the food is grown—at Watch Tower—and brought into Bethel and used on our table. For example 6800 quarts of vegetables at Watch Tower and Staten Island and thousands more at our farm in New York were canned. That food was brought in to feed the 200 odd persons at this place. It is also used at Watch Tower, Staten Island and at the Farm."

Skip to 123:

"Q. You made no investigation of your own as to the conduct of Mr. Moyle on the trial

other than stated to you by Judge Rutherford? A. No, sir.

"Q. Did you believe that Judge Rutherford had at times welcomed any information or dissatisfaction on the part of members of the family? A. Yes, sir, he did welcome it.

"Q. So that anyone was at liberty, with perfect frankness, to call his attention to any items that he might disagree with? A. Yes, sir."

I was going to call Mr. Moyle.

The Court: He will be long, of course?

Mr. Bruchhausen: Yes, sir.

The Court: The jury is excused now until two o'clock. Please be here promptly.

(Jury leave the court-room.)

(Conference between Court and counsel.)

Mr. Covington: I want at this time to move for the discharge of the jury and a declaration of a mistrial on the part of the Court.

The Court: You can make that motion in front of the jury.

Mr. Covington: On account of the remark that was made by the Court as putting that burden which assumes that the article is true.

The Court: It does not presume it at all. All I have said is that before we go into it, you must prove that it was published and not privileged.

(Whereupon a luncheon recess was taken until two o'clock p. m.)



Brooklyn, N. Y., May 12, 1943.

Before: HON. HENRY L. CONETTA, Justice,
And a jury.

(Same Appearances.)

May 12, 1943

AFTERNOON SESSION

Two o'clock p.m.

(Trial resumed pursuant to adjournment.)

Mr. Covington: May it please your Honor, I do not think I will ask any questions of Mrs. Moyle at this time. But during the examination I had and did introduce in evidence these two printed letters, and I haven't read them, and I was wondering whether it would be convenient to read them now or later.

The Court: Do you want to read them as part of your case or do you prefer to read them now?

Mr. Covington: I might as well read them as part of this case.

The Court: I have no objection to your reading them now.

Mr. Bruchhausen: I want to say, in connection with Mrs. Moyle, that in view of the objection that was made on the questions asked by counsel as to her being a Prohibitionist, that I am willing to bring her back on the stand for cross-examination and waive my objection.



Mr. Covington: We have no further questioning along that line at this time.

This is the printed letter which Mr. Fink identified yesterday and it is entitled, "An Open Letter To Jehovah's Witnesses" dated September 25, 1940, and it is printed—

The Court: If it is not all pertinent and if you want to read any part in the interest of brevity—you are at liberty to read it all or any part. In other words, if we can shorten up any with this trial we ought to try to do it.

Mr. Covington: I appreciate that and I will try to do it.

(Mr. Covington reads Defendants' Exhibit G to the jury.)

Mr. Covington: And the other letter I think I will read later.

The Court: Your next witness.

Mr. Bruchhausen: I will call Mr. Moyle.

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OLIN R. MOYLE, residing at Johnsons Creek, Wisconsin, being first duly sworn, testified as follows:

Mr. Bruchhausen: I just want to at this time offer in evidence part of the "Watch Tower" of January 1, 1939, that part on page 2 entitled "Watch Tower Campaign," and the article on the last page entitled "Watch Tower, Sample Copies."



The Court: Show Mr. Covington the two articles you mean.

Mr. Covington: No objection.

(Received in evidence and marked Plaintiff's Exhibits 10A and 10B, respectively.)

Mr. Bruchhausen: I will mark this first article A, and the second article B, that being on the last page.

*Direct examination by Mr. Bruchhausen:*

Q. You are a native of Wisconsin? A. Yes, sir.

Q. Born where? A. The town of Raymond, Racine County, Wisconsin.

Q. Is that in the vicinity of Milwaukee? A. Yes, sir.

Q. How far distant? A. Raymond is about 20 miles from Milwaukee.

Q. You attended the public schools in Wisconsin? A. Yes, sir.

Q. And eventually attended Valparaiso University in Indiana? A. Yes, sir.

Q. And obtained the degree of LL.B. there? A. I did.

Q. And then you were admitted to the Bar of the State of Wisconsin, on April 25, 1914, is that right? A. That is right.

Mr. Bruchhausen: I offer in evidence certificate—

The Court: There isn't any question about that.

Mr. Covington: No question about him being a member of the Bar.



Q. You were later admitted to the Bar of the State of New York?

Mr. Covington: There is no question about that either.

Q. Of the State of New York in December, 1936? A. That is right.

The Court: There is no question as to that.

Q. And in connection with your admission to the Bar in the State of New York you had attached to your papers character affidavits signed by the defendants Nathan H. Knorr, Joseph F. Rutherford, Clayton Woodworth, and one McCormick, is that correct? A. I think that is right.

Mr. Bruchhausen: I offer the character affidavits in evidence.

Mr. Covington: There is no question about it and I do not see the materiality.

The Court: You concede that they gave affidavits?

Mr. Covington: They did give such affidavits.

The Court: I do not see that it is material.

Mr. Bruchhausen: With that concession I won't press it.

Q. Then were you not admitted to the Bar of the Supreme Court of the United States of America at Washington, on March 2, 1937? A. I was.

Q. And you have been a practicing attorney in



these various jurisdictions at one time or another, since your admission in the State of Wisconsin in 1914? A. Yes.

Q. And you are now practicing law in the State of Wisconsin? A. Yes.

Q. When did you become affiliated with Jehovah's Witnesses? A. It was around 1909 or 1910, I became affiliated with the Watch Tower Society.

Q. Did you attend classes in Wisconsin? A. Yes, sir.

Q. Thereafter? A. Yes, sir.

Q. Regularly, up to 1935? A. Yes.

Q. And did you have any correspondence with Mr. Rutherford about coming to Brooklyn? A. I did.

Q. Was that at his request? A. Yes, it was.

Q. And as a result of that correspondence you sold your home and belongings in Wisconsin and came to Brooklyn in June, 1935? A. That is right.

Q. Had you, prior to leaving Wisconsin, taken care of some litigation for Jehovah's Witnesses? A. I handled a number of cases in the area where I lived.

Q. So when you came to Brooklyn you took up your home, you, your wife and your son, in Bethel on Columbia Heights? A. Yes.

Q. And you were assigned to legal work, were you? A. I was.

Q. And did you during that time handle litigation in various states in the United States? And in the Supreme Court of the United States, on behalf of the defendant? A. Yes, sir, over that period of time.

Q. And did you during that time receive letters of commendation from Mr. Rutherford about your work that you were carrying on?

Mr. Covington: We might shorten that. There is no question but what he performed his duties properly up to the time this controversy arose. There is no question about that at all.

The Court: Thank you very much.

Mr. Covington: Up until the time of the Madison Square Garden controversy.

The Court: Thank you very much.

Q. Do you recall some mention being made by counsel for the defendant, I believe in his opening before the jury, as to whether or not you had ever made a complaint to Mr. Rutherford? Do you not? A. I remember that reference, yes.

Q. In that connection I show you a letter dated July 3, 1937, written by you to Mr. Rutherford, and ask you to identify it (handing letter to witness).

The Court: Was that letter written by you to Mr. Rutherford?

The Witness: That is a letter written by me to Mr. Rutherford on that date.

Q. How was that letter delivered or sent to him?

Mr. Covington: May I see it?

The Court: It has not been offered yet.

Mr. Bruchhausen: I am just leading up to the offer.



The Court: How was it sent or delivered?

The Witness: It was given to George Jones, the man who handled the mail, who in turn delivered it to him—that is in July?

Q. July 3, 1937. A. Yes, sir, that is the way that was delivered.

Q. And did you subsequent to the sending of that letter and in the method that you have described, receive it back? A. Yes, sir, I did.

Q. In what way? A. I can't remember exactly on that, but the usual method was he would send notices or memos to me, either through Jones or through somebody else.

Q. So you were constantly communicating with Mr. Rutherford in that fashion? A. Yes.

Q. Back and forth? A. Yes, sir.

Q. And did you receive in the course of your communications notations by Mr. Rutherford and at many times his stamp, "J. F. R."? A. Yes, sir. I would make suggestions as to procedure or points coming up in connection with the case, and he would frequently put his stamp on the side to indicate such suggestions were acceptable.

Q. So that this document I refer to, July, 1937, was in the course of your operations as an attorney for the organization, calling to Mr. Rutherford's attention certain cases and what was going on about them, isn't that right? A. That is right.

Q. And would he make his comments of approval or disapproval, whatever it may be, and the letter come back to you? A. That is right.



Q. And this letter came back to you after you delivered it in the fashion you have said you did? A. Yes, sir.

Mr. Bruchhausen: I offer it in evidence.

Mr. Covington: Well, may it please your Honor, it does not appear that this letter was ever delivered.

The Court: Would you like to ask him a question or two?

Mr. Covington: Yes.

By Mr. Covington:

Q. Who did you say you gave this to? A. Gave those generally to George Jones, I think that is the name. He had charge of the mail desk and he would in turn deliver them to the Judge.

Q. George Jones takes care of the outside mail, does he not? A. And he also took care of memos of that sort for me.

Q. Are you sure this was given to the Judge? Did you see him give it to him? A. No, I did not.

Q. Who did he get it from? A. When it came back?

Q. Yes. A. I don't recall exactly. It came back to me either through Jones or somebody else sending it back.

Q. You don't know who brought it back, how you got it back, or how it went over, do you? A. I can't say exactly, because that is many years ago. But that is my best recollection of it.

The Court: Have you an objection?

Mr. Covington: Yes. I object to it be-



cause it is the original and there is no evidence of delivery.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

By Mr. Bruchhausen:

Q. The method that you have described of leaving a letter for the Judge was a method that you pursued on all your communications to him, wasn't it? A. Yes, sir, except when he was in California in the winter time. Then they would go by mail.

Q. And the printing plant at Adams Street where you had your office was how far from 124 Columbia Heights? A. I think about half a mile.

Q. Was it customary to mail or have papers delivered back and forth? A. They were delivered back and forth.

Q. And through this means of George Jones, or whoever happened to be the messenger, of delivering it back? A. Yes, sir.

Q. And all your communications that you received back bore those initials, "J.F.R." in the same fashion and in the same impression as this one here? A. Yes, sir, except when he would send a personal letter of his own. He wouldn't always send the original back. Sometimes he would answer with a letter of his own. But when he sent the original back he put his okay on in that fashion.

Q. So that you had many others which bore the same okay, and that is the one that is on this paper? A. That is right.



The Court: Was that method used by all others involved in this work?

The Witness: I do not know.

Q. You were the only attorney there at 117 Adams Street, weren't you? A. That is right.

Q. There was no one else that acted on legal cases or anything like that that had communications about cases to the Judge that had to be passed on, was there? A. No.

The Court: Did you have any discussion with Mr. Rutherford after this was supposedly delivered to him and before it was redirected to you?

The Witness: If I can refresh my recollection—

Q. Read this paper along the lines of what his Honor has mentioned and those cases that are referred to, and tell me whether the Judge afterwards discussed any of the points that you raised in that letter.

The Court: Is this important?

Mr. Bruchhausen: Yes.

Mr. Covington: I don't think it is.

The Court: Because I haven't seen the letter. Does it have to do with some cases?

Mr. Bruchhausen: The importance of it is the point that was raised in the opening and on one or two other occasions as to whether the plaintiff—

Mr. Covington: I object to the statement.

The Court: Objection sustained. Let



us not make any statements. You say it is important to you. That is an answer

Mr. Bruchhausen: Yes.

The Witness: I have some recollection of discussing some of these points in here. For instance, one—

The Court: Don't mention the points.

Q. Your answer is yes? A. Yes.

Mr. Bruchhausen: May I renew my offer of the paper in evidence.

Mr. Covington: We still have our objection.

The Court: I am still going to sustain the objection with an exception to the plaintiff.

Mr. Bruchhausen: May I have it marked for identification?

(Marked Plaintiff's Exhibit 11 for Identification.)

Q. The printing plant at Adams Street is where the various publications are printed, aren't they? A. Yes, sir.

Q. I show you a photograph and ask you if that is the building.

The Court: Show it to your opponent and you will save time.

Mr. Covington: No objection.

Mr. Bruchhausen: I offer it in evidence.

(Received in evidence and marked Plaintiff's Exhibit 12.)

Q. Coming down to the time in 1939 when you

returned from your vacation, do you recall that that was about August 7, 1939? A. August 8th, we left Bethel.

The Court: What date did you return from your vacation?

The Witness: The date we returned?

Q. Yes. A. August 6th, we returned from our vacation.

Q. And do you recall a meeting in the quarters of Mr. Rutherford, on August 8th? A. Yes, sir.

Q. And what notice did you receive of that meeting? A. I was told at the breakfast table in the morning—an announcement was made at the breakfast table in the morning that a meeting of the Board of Directors of the two corporations would be held at the Judge's office at ten o'clock.

The Court: At Mr. Rutherford's office at ten o'clock?

The Witness: Yes, sir, and I was asked by him if I would be present.

Q. And what was done at that meeting? A. At that meeting Mr. Rutherford called the meeting to order and had his secretary, Eddie Keller, read the letter which I had sent to him just prior to the case, the letter of July 21st, The letter was read. Then he asked for comments. Each member of the Board of Directors commented on the letter and disapproved of its contents and condemned me for writing it. I was asked if I had anything to say. I answered that I had nothing to say, that what



I wrote was the truth. If they wanted to condemn me for it, that was their privilege. A committee was then appointed who went into another room and came back with a resolution which, if I recall correctly, was adopted by the Board.

Q. Then did something happen again at lunch time? A. Yes, sir.

Q. What transpired? A. At lunch time the secretary, Eddie Keller, was again asked to read this letter.

The Court: That is, before the assembled group?

The Witness: Before the entire family, as we call it.

Q. How many, approximately, were in attendance there? A. To the best of my recollection, there were about 212. And the letter was read and I was again asked if I had anything to say. I said no, that the letter speaks for itself. Mr. Rutherford made some further comments and then gave directions— First he asked for approval of the members of the family, of those who approved of the action taken by the Board of Directors in severing my relations with the organization. The family all stood in approval of that with the exception of myself and my wife and my son, and then instructions were given to the house servant, Grant Suiter, that we should be moved out that afternoon.

Q. Had you received any notification prior to that that you would have to leave that afternoon? A. No.



Q. So you did leave that afternoon for Wisconsin, was it? A. No, not for Wisconsin. We got our stuff packed up and we went over to New Jersey that evening and stayed there, and the next day I got a truck to move my stuff away.

Q. Then you returned to Wisconsin? A. Yes.

Q. And where in Wisconsin did you return to and about when? A. Went back to Wisconsin, to Wauwatosa, a suburb of Milwaukee. We got there August 14th.

Q. Had you resided previously in that City? A. Not in Wauwatosa.

Q. But near by? A. Yes, sir, in Racine County, a few miles out.

Q. Did you show the letter or send it to anybody while you were out there? A. How is that?

Q. Did you show or send your letter to anybody?

The Court: That is your letter to Mr. Rutherford?

Mr. Bruchhausen: Yes.

A. No.

Q. Do you recall reading the article in the "Watch Tower" of September 1st? A. Yes, I do.

Q. And what transpired, if anything, after that? A. After September 1st there was a change in attitude. We were welcomed very warmly by friends among Jehovah's Witnesses in Milwaukee when we returned, and after that date things began to change. First it was only a coolness on the part of a few, which grew in



extent until there was an antagonistic attitude by the major portion of them. As we would go into the meetings there would be an area around us where we sat where nobody else would be sitting. Sometimes it would happen if somebody was sitting where we would, that person would get up and go elsewhere, and that is an attitude which continued on all the time we were there.

Q. Then do you recall Mr. Howlett coming out there and holding a meeting on about September 24th? A. Yes, sir.

Q. You attended that meeting? A. I did.

Q. Was there any difference or change in the attitude of Jehovah's Witnesses arising out of that? A. Well, to the best of my recollection, that attitude of shunning and avoiding us continued to grow from there on.

The Court: From when on?

The Witness: Continued to grow after the Howlett meeting.

Q. Do you recall the articles in the "Watch Tower" of October 15th and November 15th? Do you not? A. Yes, sir.

Q. And then did anything happen with reference to your carrying on in Wauwatosa? A. You mean as to my legal practice?

Q. Yes. A. Yes, sir. I stayed there, in Wauwatosa, for a little better than a year. I had some practice in the beginning. It came in fairly good, I might say, and then the situation arose that there was very little coming in and I had to move.

Q. Did you notice any unfriendliness on the



part of Jehovah's Witnesses there? A. Yes, sir, I did.

Q. Did that have anything to do with your change of residence or office? A. That did. If I may explain. Most of the friends I had in that area prior to going there were among Jehovah's Witnesses, and most acquaintances and friends in Milwaukee were among those. So that I thought that the friendliness which was there would be helpful in making a living and building up a practice. But when the attitude of shunning and avoiding me arose, that hope died away, because the practice did come. I did receive some items of business from Jehovah's Witnesses and their friends in the beginning. But that dropped off.

Q. Up to that time for some years, with the intermission of the time that you were actually at Bethel, were many of your clients and in large part among Jehovah's Witnesss? A. Quite a few were.

The Court: He wants to know if a large part of your practice came from Jehovah's Witnesses.

The Witness: I wouldn't say a large part of it, no. Pretty hard to figure the exact percentage. But there was quite a bit of it.

Q. Did you continue to attend classes of Jehovah's Witnesses after you returned? A. I did for sometime.

Q. For how long a time? A. Continuous attending there until along in March or April, I think it was, of 1940, the following year.



Q. Were those classes all in Milwaukee? A. No, at meetings in Milwaukee and Wauwatosa.

Q. Did you receive a communication that you were to be removed from association with the organization? A. You mean the Milwaukee organization?

Mr. Bruchhausen: I will withdraw that.

Q. Did you receive some communication from the Watch Tower Bible Society of Brooklyn as to your being removed as a member of the corporation? A. I did.

Q. I show you a paper dated November 20th, 1939, and ask you whether that is a copy of the paper that you received? A. That is a copy of it.

Q. You haven't the original, have you? A. Yes, I think I have in my file.

Q. Is this the file? A. No, I think the brown folder.

The Court: While he is looking for the original you look at the copy.

Mr. Covington: Yes.

The Witness: This is it.

The Court: He has the original.

Mr. Bruchhausen: I offer it in evidence.

Mr. Covington: We have no objection.

(Received in evidence and marked Plaintiff's Exhibit 13.)

Q. Then, did you, after receiving that letter that has just been put in evidence, reply to it? A. I did.

Q. To Mr. Van Amburgh? A. Yes, sir.

Mr. Bruchhausen: Has the defendant the reply?

Mr. Covington: Yes (handing letter to counsel).

Q. I show you a letter dated November 24, 1939, signed Olin R. Moyle, and addressed to W. E. Van Amburgh, and ask you if that is the reply you now refer to? A. Yes, sir, that is the reply.

Mr. Bruchhausen: I offer it in evidence.

Mr. Covington: No objection.

(The letter was received in evidence and marked Plaintiff's Exhibit 14.)

(Mr. Bruchhausen reads Plaintiff's Exhibits 13 and 14 to the jury.)

Q. What happened after that after your association with the organization? A. I did not hear any more concerning that. That letter was not answered.

Q. Did you continue to attend the classes? A. Yes.

Q. Until when? A. Until along in March, or April of 1940.

Q. Was there anything else said about your being permitted to attend there? A. Yes, sir, there was. The company's servant, Mr. Ellison, handed me a note one evening and as he handed it to me he said, "Brother Moyle, I hate to do this, but you are in bad with the Society," and that was a note virtually cutting me off from that organization, or refusing certain privileges.



Q. That occurred when? A. That was along in February or March, I believe.

Q. Did you then discontinue your attendance at the Society? A. I went a few times after that and then quit.

Q. You never attended classes after that time? A. No.

Q. The "Watch Tower" magazine, was that from any information you can give us delivered to the public also during this period in 1939?

Mr. Covington: We object to that unless he can base it upon actual knowledge and not opinion, and testify to the facts. Apparently it calls for a conclusion and opinion. This man was not in charge of the distribution.

Mr. Bruchhausen: I will withdraw the question for a moment.

Q. At the printing plant on Adams Street there were more than one magazine printed, weren't there? A. Yes.

Q. What were they? A. "Watch Tower" was one magazine. "Consolation" was the other.

Q. And how often did the "Watch Tower" come out? A. Every two weeks.

Q. And "Consolation"? How many times? A. The same. I believe "Watch Tower" was out on the 1st and 15th, and I think "Consolation" was every two weeks, if I remember correctly.

Q. And what other publications were made up there? A. There were books printed, pamphlets, leaflets.

Q. And the organization consisted of people in



the field, did it not, that is, outside of Bethel, and the printing plant? A. There were those workers in the field, yes, sir.

Q. In the various states of the Union? A. Yes, sir.

Q. And do I understand that the United States was divided up into regions? A. Yes, sir.

Q. And then this was subdivided into zones? A. That is right.

Q. And then there were companies attached to the zones? A. That is right.

Q. So that there were these so-called companies in various cities throughout the United States and elsewhere, isn't that correct? A. That is right.

Q. And they attended meetings from time to time in these various places? A. Yes.

Q. Did you have occasion to visit out at some of those places? A. Do you mean after my return?

Q. During the period you were in there as counsel to the organization.

The Court: While you were at Bethel.

A. Yes, I did.

Q. You visited various states of the Union in the course of your work as counsel, did you not? A. I did, yes.

Q. And did some considerable traveling? A. Yes, from Maine to Florida.

Q. And is there also a part of the organization in Canada? A. Yes.

Q. Companies up there also? A. Yes.

Q. And that all originated from headquarters



in Brooklyn? A. Yes. I am not so sure about the Canadian organization.

Q. Also were there not plants abroad? A. Yes, sir.

Q. Did they not have to your knowledge a printing plant in Switzerland? A. Yes, sir.

Q. And formerly one in Germany? A. Yes, sir.

Q. Was not this "Watch Tower" magazine printed in different languages? A. It was.

Q. And copies of it were sent outside of the United States as well as inside of the United States, to foreign countries? A. Yes, sir.

Q. And were not these various books that were written also printed in different languages? A. In many languages.

Q. Do you know how many different languages their publications were printed in? A. I couldn't remember that accurately. It seems to me there were about 60, but I wouldn't want to say that positively.

Q. As part of this organization they had publishers, is that it? A. Yes, sir.

Q. And these publishers were really persons who delivered this literature and "Watch Tower" magazine in homes—

Mr. Covington: We object to the leading and suggestive questioning, your Honor.

The Court: The objection is sustained. It is leading.

Q. How do you describe the publishers of the organization? A. Publishers were those, as I understood it, who engaged in this work of



distributing this literature from house to house and place to place. They were also supposed to be consecrated to the Lord, and doing it from the angle of consecration to Him.

Q. There was a group called Pioneers, was there not? A. Yes, sir.

Q. How do you describe the Pioneer? A. Pioneers were full time publishers who put in all their time in that work.

Q. Was there any financial arrangement made with the Pioneers? A. I understood they obtained their living from the placing of the literature.

Q. They got a commission on it, didn't they? A. Yes.

Q. Part to the Pioneers and part to the organization? A. Yes, sir.

Q. And did the publishers also receive a commission? A. Yes, sir.

Q. And they partly made their living out of that? A. I don't know about that.

Q. But part of their receipts went to the organization, the Watch Tower, did it not? A. Yes, sir.

Q. Did they also use the phonograph? A. That is right.

Q. Did you at any time during your stay there receive any accounting of the funds or see any accounting of the funds of the Watch Tower?

Mr. Covington: That is entirely immaterial.

The Court: Objection sustained.

Q. Now, after September 4, 1940, did you at the request of anybody, or your own volition,



have occasion to show your letter to anyone? A. You mean September, 1940, or 1939?

Q. September, 1939? A. September, 1939, there were many requests to see that letter after the September 1st Tower came out. I quite generally turned down the requests. I did show the letters to a few personal friends.

Q. Well, after you got moved to Johnson City — A. Johnson Creek.

Q. That was about when, by the way? A. March 1, 1941.

Q. Were there any Jehovah's Witnesses there? A. Not that I know of.

Q. And did you have occasion to visit outside of Johnsons Creek, Milwaukee, and elsewhere, where they resided? A. I got into Milwaukee occasionally.

Q. And had you any occasion to notice the feeling or attitude on the part of those Jehovah's Witnesses you met?

Mr. Covington: Just a moment—

The Court: I think it is too indefinite. I think you should fix some time.

Q. Say, Milwaukee, on any occasion after you moved to Johnsons Creek; can you give us any details?

The Court: And fix the approximate time.

Q. And fix the approximate time, and place, along the line of their attitude towards you. A. Well, I could give an instance of a client—

The Court: Can you fix the time?

The Witness: This would be—

The Court: Approximately. We are not going to hold anybody here.

The Witness: This covers the period of time during the latter part of 1941 or the first part of 1942?

Q. Yes. A. A client by the name of Mrs. Rose Kelsie was the administratrix in an estate for which I was attorney. I was retained by her to do the legal work in connection with the estate shortly after I came back from Milwaukee. After I moved to Johnsons Creek the estate was still continuing. She would address letters to me regarding the estate and usually end the letters with "Dear Brother Moyle." After awhile the letters came with no salution, and finally came with the salutation, "Dear Mr. Moyle." That was an instance of the change of attitude.

Q. Were there any other instances that you can give us in that connection?

The Court: Fixing the time.

Q. Fixing the time and place.

The Court: If there weren't any, tell us.

A. I can't recall them all. There was a case in the City of Kenosha.

The Court: Fix the time.

The Witness: This was in the latter part of 1939 and first part of 1940. Three men had a case in Kenosha, and they retained me to represent them on the defense. Later on they discharged me because of the Jehovah's Witnesses' situation, so



they said. There was a family by the name of Charles Eickhoff. They had been close friends of ours for many, many years. We kept their little girl in our home frequently in the summertime. They were Pioneers. They would come to our place to rest from their pioneering work before we went to Brooklyn. After we came back from Brooklyn they were friendly to us. They remained friendly even up until Thanksgiving time of 1939. After that the attitude changed and now we do not hear anything from them.

Q. Well, did the attitude become better or worse as time went on? A. It became worse.

Q. After you got out of the organization did you join any other organization? A. You mean similar to Jehovah's Witnesses?

Q. I withdraw that. What, if anything, did you do in connection with Bible study or anything allied with it after going out of Jehovah's Witnesses' classes? A. Well, at first a group of us met at Harvey Fink's home and studied the Bible and the "Watch Towers" very carefully to discover whether we were right on teachings or not. Later, I attended meetings of a little bible class in Milwaukee called "The Milwaukee Bible Students." I attended that class as long as I remained in Milwaukee. When we moved to Johnsons Creek I attended a similar class of bible students who met at Lake Mills which is eight miles from Johnsons Creek. This bible class is a non-denominational organization of just bible students not connected with any large organizations.



Q. Have you continued with this organization? A. Yes, I have.

Q. So that you have not become affiliated with any organization as such? A. Except that I do some speaking under the auspices of the Pastoral Bible Institute, which is a corporation, a New York membership corporation, which publishes a magazine and sends out some speakers.

Q. But you didn't attend any meetings in connection with this organization? A. No. I might qualify that. I attended a meeting of theirs while I was here in New York.

Q. You don't attend regular classes such as bible classes you have described? A. No.

Q. Going back to the classes of Jehovah's Witnesses is it one of their practices to study the "Watch Tower" magazine? A. The Jehovah's Witnesses?

Q. Yes. A. Yes, they have studies in "Watch Tower" articles.

Q. Are they read out loud or just what is done about them? A. At these meetings the articles are read out loud. There is, when I was there anyway, paragraph by paragraph, and the paragraph considered.

Q. Does the leader of the class do that? A. Usually they had a reader.

The Court: The reader does it?

The Witness: Yes, sir.

Q. Is there any particular emphasis placed on the first article? A. That is the one which is usually studied in that manner.

The Court: The others are not read out loud?



The Witness: I never heard them in any class where they studied the minor articles.

The Court: He asked if they were read out loud.

The Witness: Not the other articles.

Q. How long did the sessions last? A. About an hour or an hour and a quarter.

Q. Then after the reading of the articles is there any discussion had about them? A. Yes.

Q. And the leader of the class conducts the discussion? A. Yes, sir.

Q. You heard read some letters here by Mr. Rutherford to you and some of them by Mr. Rutherford to Fink. Do you subscribe to all the statements that Mr. Rutherford makes in those letters? A. No.

Mr. Bruchhausen: I am assuming we need not go into the letter that Mr. Moyle wrote and the facts about that letter, and reserve the right to do so later.

*Cross-examination by Mr. Covington:*

Q. When you left Brooklyn on August 8, 1939, that is when you left the Bethel home; what was the first person that you saw before you left Brooklyn? A. That is quite a while ago. It is pretty hard to recollect.

The Court: Don't make statements. If you don't recollect, tell us.

The Witness: We saw Bill Treder.

Q. And then you went to New Jersey, is that right? A. That is right.



Q. Who did you see over there? A. Mr. and Mrs. Crawford Van Ness.

Q. And how long did you stay there? A. Two or three days.

Q. And Treder and Mr. and Mrs. Van Ness are Jehovah's Witnesses, are they not? A. That is right.

Q. Then where did you go? A. We went back to Wisconsin.

Q. What was the first town that you reached after you got to Wisconsin? A. You mean where I stopped?

Q. Yes, when you entered Wisconsin, where is the first town you stopped? A. Wauwatosa.

Q. Did you establish your residence there? A. We did.

Q. Before you left Brooklyn did you communicate with anybody and advise them of the charges that you had made against the Watch Tower Bible & Tract Society, and the Bethel home? A. Before I left Brooklyn?

Q. Yes, before you left Brooklyn on August 8th. Any time from July 21st, 1939 to August 8th, 1939, did you communicate with anyone and repeat the charges that you had made against the Watch Tower Bible & Tract Society? A. Not in detail.

Q. Sir? A. Not in detail, no.

Q. Did you communicate with them in any fashion? A. Between July 21st and August 8th?

The Court: Please don't repeat every question. The question is quite simple. Between July 21st and August 8th, the day you left the Bethel, did you communicate with anybody?



The Witness: Yes, sir.

Q. Who? A. With Milton Confehr and his wife.

Q. What did you tell him? A. I told him we were leaving.

Q. Well now, as a matter of fact, you spent your vacation up at a lake in up-state New York during that time with Mr. and Mrs. Confehr, didn't you? A. Yes, sir.

Q. And you told them prior to that that you were leaving, didn't you? A. I don't recall.

Q. You don't recall? A. No.

Q. Did you or did you not? A. I don't think I did.

Q. Now then, the first you ever told the Confehrs was when you wrote him a letter, is that right? A. That I was leaving?

Q. Yes. A. No.

Q. When did you tell him? A. I told him during the vacation that I was leaving.

Q. You told him during vacation? A. Yes, sir.

Q. Who else did you advise? A. I told John Miller that I was leaving.

Q. Who else did you advise either orally or in writing? A. I think I told Philbrick in Boston, that I was leaving there.

Q. How did you tell him? A. By mail.

Q. And who else did you advise? A. I don't recall anybody else.

Q. From August 8th to September 15, 1939, did you advise anybody in writing about your quitting Bethel and the reasons therefor? A. I don't recall.

Q. You do not recall? A. I may have told my sister, Mrs. Rouse.

Q. You may have told your sister.

The Court: That you were leaving Bethel or had left, and the reasons for leaving?

The Witness: I don't recall that I told her the reasons for leaving.

Q. Did you communicate with anyone else during that time and advise them that you were leaving or had left, and the reasons therefor? A. I don't recall any.

Q. Well now, what do you mean when you say you don't recall? Do you mean you didn't or you did? A. I don't recollect.

Q. Could you have done that? A. It might be possible that I told—

Q. You are an attorney—

The Court: Wait; let him finish.

The Witness: Of course, friends in Milwaukee; I told them we had left.

Q. Did you advise anybody outside of Milwaukee? A. That we left? I don't remember.

Q. Will you say you did or didn't? A. I would say I don't remember.

Q. You remember very distinctly that you advised Philbrick and John Miller. Who else did you advise, please?

Mr. Bruchhausen: I submit he has answered.

The Court: I will let him answer once more.

A. I don't remember.



Q. Do you remember the occasion of Philbrick and John Miller quite clearly? A. Yes, sir.

Q. Can you remember if you advised anybody else? A. I said I don't remember.

Q. You don't remember? A. No, sir.

Q. Why do you remember the occasion of John Miller and Mr. Philbrick so distinctly and can't remember others?

The Court: The objection is sustained.

Mr. Covington: We except.

Q. After September 1st or September 15, 1939, to January 1, 1940, did you communicate with anyone and advise them as to your reasons for leaving Bethel? A. Yes, I guess I did.

Q. Who?

The Court: And when.

Q. Who and when? A. I can't recall the specific persons. I wrote to several friends.

Q. Just who? If you recall writing surely you recall who you wrote to. A. After September 1st I wrote to George Rossier.

Q. Who else? A. I can't recall offhand.

Q. Can you remember the names of anybody that you have mailed or wrote to, rather, or communicated with since September 1, 1939, down to the very day of this trial, that you communicated with and advised the substance of these charges you made against the Watch Tower Bible & Tract Society? A. Down to this date, yes.

Q. Who? A. I wrote George Rossier. I wrote to Grover Powell. I wrote to Victor Schmidt. There are many of them over this



whole period of time, but I cannot remember the names.

Q. Who else can you remember? A. I don't recall.

Q. That is after September 1, 1939, to the day of this trial— A. Yes.

Q. —that I am talking about? A. Yes.

Q. And the names that you have given are during that time, are they not? A. That is right, to the best of my recollection.

Q. When you got back to Wisconsin, when is the first time that you saw your sister? A. To the best of my recollection, that was early in September.

Q. And did you discuss the matter with her? A. That was discussed, yes.

Q. You say it was after the 1st of September you saw your sister? A. I think it was.

By the Court:

Q. Your best recollection? A. That is my best recollection. It might have been before or it might have been later, but that is my best recollection.

By Mr. Covington:

Q. Did you give her a copy of your letter? A. I believe I did.

The Court: The letter to J. F. Rutherford.

Q. The letter dated July 21, 1939, addressed to J. F. Rutherford, the original of which is now in evidence and marked as Plaintiff's Exhibit 1. Did you give your sister a copy of that letter? A. I think I did.



The Court: That is Exhibit 3.

Mr. Covington: I beg your pardon. I am glad you corrected me, your Honor.

The Court: It is 3 and 4. 3 is the short one and 4 is the long one, so it is Exhibit 4.

Mr. Covington: Exhibit 4. Correct it, please.

Q. From August 8th to September 1, 1939, did you give a copy of your letter to anybody else? A. From August 8th to September 1st?

Q. Yes. A. I don't remember that I did. I don't think I did.

Q. After September 1st to October 15th, did you give a copy of your letter to anybody else? A. I believe during that time I let Harvey Fink have a copy of it.

Q. Anybody else? A. I believe during that time that I let Fred Aebly have a copy of it at his request.

Q. At his request? A. Yes.

Q. Anybody else? A. I don't remember anybody else.

Q. That is from September 1st to October 15, 1939, is that right?

The Court: Referring to Plaintiff's Exhibit 4, your letter to Rutherford.

Mr. Covington: Yes.

A. To the best of my recollection, that is right.

Q. After October 15, 1939, down to October 15, 1940, did you show a copy of your letter to anybody else? A. Yes.

Q. To whom? A. Charles Eickhoff, I think, received one in that time, and beginning Septem-



ber 25, 1940, I sent the letter to a great number of people.

Q. Now whom did you send that letter to a great number of people after September 25, 1940? A. I cannot name them.

Q. About how many people did you send them to, please? A. Probably several hundred.

Q. And where did you send these letters to, where were the people generally located? A. We had sent them to the members of the Milwaukee Class of Jehovah's Witnesses as far as I could get their names, to others of Jehovah's Witnesses throughout Wisconsin that I knew, some in Illinois that I knew, and out further through the country where I knew them.

Q. What other part of the country? A. How is that?

Q. What other part of the country outside of Wisconsin and Illinois? A. To New York, I believe, to New Jersey, any part of the country. I cannot say that I sent it to every state in the Union, but generally in all directions.

Q. Did you send it to people who invited you to send it to them? A. Yes.

Q. Did all this several hundred invite you to send the letter to them? A. No.

Q. I show you what I hold in my hand as Defendants' Exhibit K.

The Court: That is the letter sent by your son.

Mr. Covington: Yes, that is right.

Q. (Continued) And ask you to take that and hold it in your hand (handing to witness). You see that printed letter there that purports to bear your signature? A. Yes.



Q. Where did you have that letter printed? A. I had that letter printed at the Dawn printing office.

Q. Where? A. Here in Brooklyn.

Q. Where did Mr. Fink have his printed? A. At the same place.

Q. At the same place? A. Yes.

Q. Did either one of you have it printed in any other place? A. Not to my knowledge.

By the Court:

Q. Speaking for yourself, did you have it printed? A. No.

By Mr. Covington:

Q. What connection did you have with the Dawn? A. Nothing, none; good friends—

The Court: No, please do not render anything. Just answer the questions.

Q. What did you pay the Dawn for publishing and printing that letter? A. I paid them nothing.

Q. You paid them nothing? A. No.

Q. Did you give them material—

Mr. Bruchhausen: May I ask for a modification of that question, "printing and publishing"? There is no evidence here about publishing.

Mr. Covington: All right, I will withdraw that part of it and leave the printing.

The Court: Ask the question again, to keep your record straight.

Mr. Covington: All right.

By the Court:

Q. What did you pay the Dawn for printing that? A. I paid them nothing.

By Mr. Covington:

Q. Did they return it to you to Wisconsin? A. They did.

Q. At their expense? A. Yes.

Q. Have you ever been in the employ of the Dawn Printing Company? A. No, sir.

Q. When did they do that? A. About this time.

Q. What time? A. Shortly before its date, September 25, 1940, a week or so before that.

Q. How many hundred did the Dawn, Incorporated, print for you? A. I think about a couple thousand of them.

Q. Have you got all your couple thousand left? A. No.

Q. How many did you mail out? A. I don't remember.

By the Court:

Q. What is your best recollection? A. My best recollection is 1,500 of them all told.

By Mr. Covington:

Q. 1,500 all told? A. Yes.

Q. You mailed them—you cannot remember what states, can you?

The Court: I think you have been over that.

Q. Where did you get the mailing list that



you had to mail these with, please? A. From various sources.

Q. What various sources? A. The Jehovah's Witnesses company in Milwaukee. Harvey Fink had those and gave me the names. I knew many names around that area. Those I had in my private address book.

Q. That is in and around Milwaukee? A. That is right, yes.

Q. Where did you get the mailing list for the others? A. I had the names of a few friends scattered here and there in my own address, people that I knew, and I used them. People wrote in to me after the September 1st "Watch Tower" came out, many here and there, asking for my side of the story. I had those names and addresses. I sent copies to them.

Q. How many people wrote in? A. Oh, I think there was fifty or more.

Q. Fifty or more? A. Yes.

Q. Do you have the letters of the people that wrote to you? A. I have them in my files.

Q. Fifty or more? A. That is my best recollection. It might be more or less.

Q. Do you have a copy of the mailing list that you used to mail out those publications? A. No, not with me.

Q. You knew that this letter would come up in this trial, didn't you? A. Yes.

Q. You are an attorney, aren't you? A. That is right.

Q. You expected you would be questioned on material matters, didn't you? A. Yes, sir.

Q. Where is that mailing list that you used? A. It isn't in one list, if you please.



The Court: Mailing lists or names.

The Witness: Those names, some are in my private address book.

By the Court:

Q. Where is your address book and where are the lists? A. My private address book is in my brief-case.

Q. And where is the list, for instance, that Mr. Fink gave you that you described? A. I think I have a copy of that in my desk at home.

Q. You mean in Wisconsin? A. In Wisconsin, yes.

By Mr. Covington:

Q. Where are the other lists? A. Whatever others I have are there, too.

By the Court:

Q. In Wisconsin? A. In Wisconsin.

By Mr. Covington:

Q. You did not bring those, did you? A. No.

Q. But you did bring the fifty or more letters, is that right? A. No.

Q. You just referred to it that you had them in your brief-case? A. No, I had my private address book of friends' names in my brief-case.

By the Court:

Q. The fifty letters, where are they? A. They would be in my desk.

Q. In Wisconsin? A. Yes.

By Mr. Covington:

Q. Is there anybody in charge of your office while you are away? A. No, sir.



Q. Nobody there at all? A. No.

Q. Do you have a stenographer? A. No, sir. I do my own stenography.

Q. You are your own stenographer? A. Yes.

Q. And there is nobody there at your office? A. That is right.

Q. What did you say a moment ago in reference to the people that had written in requesting a copy of the letters? I asked you if you had those letters. A. Yes, I have the letters. I didn't say I had them here.

Q. You did not say that you had them here? A. No.

Q. You mean you had them in Wisconsin, is that correct? A. Yes.

Mr. Bruchhausen: It means he has them in his possession, I submit, not necessarily here.

The Witness: That is what I meant.

Q. You don't have any objection to trying to get those, do you? A. No.

Q. Do you have any objection to trying to get your mailing list? A. No, but I don't know how I could.

The Court: That is not the question. Please answer the questions and we will get through here. Otherwise we will be here a long time.

Q. Have you published copies of your letter of July 21st or caused to be published a copy of your letter, or authorized a copy of your letter to be published in either the Dawn or the



Pastoral Bible Institute publications? A. No, sir.

Q. Did you ever permit a copy of your letter to be printed in the Italian Dawn? A. I have no recollection of anything about the Italian Dawn.

Q. How come the Dawn with a copy of your letter? A. How is that?

Q. Did you send the Dawn a copy of your letter? A. At the time that I did this work on it, yes.

Q. And you sent that to them by mail? A. That is right.

Q. Have you got a copy of the letter of transmittal? A. I do have, but I don't have that file here.

Q. That is at Wisconsin, too, is that correct? A. That is right.

Q. Do you recall where Harvey Fink had his letter published and, I believe, printed? At the Dawn Company? A. Yes.

Q. Did you send out copies of Harvey Fink's letter with yours? A. I believe I did.

Q. How many hundred? A. I don't know. I didn't send Harvey's with all my letters. I did send it to some, I am quite sure.

Q. Did you keep a list of those that you sent Harvey Fink's letter to? A. Not any more than the other, no.

Q. Did you have any conversation with your sister with reference to and authorizing her to use your letter in any way that she saw fit in showing it to those of Jehovah's Witnesses? A. Not to that extent.

Q. Well, to what extent did you?



The Court: Would you mind fixing the date?

Q. (Continued) I am talking about the time that you said you gave it to her prior to the 1st of September. You said you did not know whether it was the last part of August or the first part of September.

By the Court:

Q. Your best recollection was what? A. The first part of September.

By Mr. Covington:

Q. Tell us what you told your sister at that time with reference to the use of the letter, nothing else. A. She asked me if I had any objections to sending that letter to two families with whom we were both acquainted, a family by the name of Early and another by the name of Rounds. They were pioneers. I told her I had no objection to sending it to them.

Q. In your correspondence with anybody else, did you tell them that they could send your letter to others, too? A. Not at that time.

Q. Not at that time? A. No.

By the Court:

Q. Did you tell them they couldn't? A. I don't recall anything on that.

By Mr. Covington:

Q. You don't recall anything on that? A. No.

Q. Since October, 1940—since 1940, have you repeated the charges that you made against the Watch Tower Bible & Tract Society and the

charges that you say they made against you in any publication outside of the means of these letters, printed letters? A. I don't recall.

Mr. Bruchhausen: I object to that. It is so broad.

The Court: I think you had better simplify your question a bit. First of all, you have one date that I don't agree with. Maybe you are right, but I thought it was September, 1940, that he testified. You put October in there. Perhaps if you simplify it—

Mr. Covington: All right.

Q. Since September, 1940, to this day—

The Court: And excluding these—

Q. (Continuing)—and excluding the printed letter there, have you employed any other means of making known to the public the charges that the Watch Tower Bible & Tract Society made against you and the charges that you made against them? A. I think not.

Q. You think not? A. That is right.

Q. Do you have any doubt about it? A. No, I haven't any doubt about it.

Q. Are you one of Jehovah's Witnesses? A. If by Jehovah's Witnesses you mean a member of your organization, no.

Q. You are not? A. No.

Q. You say you spoke before the members of the Pastoral Bible Institute at various places, did you not? A. No.

Q. What did you say in that regard, please?



A. I said I gave a talk at their place when I was here in New York once.

Q. Is that the only time? A. That is right.

By the Court:

Q. That is the only place? A. Yes.

By Mr. Covington:

Q. Have you ever spoken before other groups where meetings were sponsored by that institution? A. Not to my knowledge.

Q. Not to your knowledge? A. No.

Q. Have you spoken at any meeting that was authorized by the Pastoral Bible Institute? A. I might qualify that. I spoke at a convention in Atlantic City, New Jersey, one time.

Q. When was that? A. A year ago in the fall, I think it was. At that convention there were Pastoral Bible students speakers there. I don't know that that organization sponsored it or whether the local class did. If they sponsored it, it was a meeting sponsored by them.

Q. You had some sort of a communication before you went down to make a speech, didn't you? A. That is right.

Q. Whom did you have your communication with? A. The Pastoral Bible Institute. They asked me to make the speech.

Q. They asked you to go down to Atlantic City? A. That is right.

Q. What other place did they arrange to have you go down to speak to? A. I have talked to classes here and there where the Pastoral Bible Institute had made the arrangements.

Q. How many? A. I couldn't say.



By the Court:

Q. Approximately. A great many, a few, or what? A. Possibly fifty in the last year—no, wait a minute; maybe thirty-five or forty.

By Mr. Covington:

Q. Thirty-five or forty? A. Yes.

Q. In what parts of the country? A. In Wisconsin and Illinois.

Q. Is that all? A. Yes.

Q. You do quite a bit of traveling then, don't you, Mr. Moyle? A. Week-ends.

Q. And under their auspices, the Pastoral Bible Institute? A. That is right.

Q. And do they pay your expenses? A. They pay my car fare.

Q. Do you get any compensation for it— A. No, sir.

Q. (Continuing)—outside of that? A. No, sir.

Q. You know that the Pastoral Bible Institute is opposed to Jehovah's Witnesses, don't you? A. I don't.

Q. You say they are not opposed to Jehovah's Witnesses? A. It all depends on what you mean by "opposed." If you mean by "opposed" that its teachings are not the same or different than Jehovah's Witnesses, yes.

Q. As a matter of fact, aren't they headed by individuals who formerly were associated with the Watch Tower Bible & Tract Society? A. Some of them were, yes.

Q. And have you ever spoken under the auspices of the Dawn? A. No.

Q. You never have? A. No.



Q. Where did you say your son lived? Where does your son live? A. At 136 Fulton Street.

Q. Is the Dawn publication in there in that neighborhood? A. That is the same building.

Q. The same address? A. Yes.

Q. How frequently have you visited the Dawn publication headquarters in the last three or four years? A. Once when I am here now, once when I was here last fall; just visited the headquarters, saw it.

Q. When was the first time you visited the Dawn headquarters? A. That was the first time, last fall.

Q. Last fall? A. Yes.

Q. The fall of 1942, is that correct? A. Yes; either the fall or winter.

Q. When did you first become acquainted with the people that were in charge of the Dawn? A. I became acquainted with its secretary, I believe he is, in 1940, possibly in the summer.

Q. Is that prior to the time that you had them print your letter? A. Yes.

Q. Where did you become acquainted with him? A. In Wauwatosa.

Q. Did he come to pay you a visit? A. He did.

Q. Did you give him a copy of your letter there? A. I don't remember.

Q. That is about the time this was published by the Dawn, wasn't it? A. Shortly after that.

Q. Shortly after that? A. If I am right on that date. I am giving you approximate dates.

Q. The question is: Did you give him a copy of your letter? A. I don't think I did.

Q. You don't think you did? A. No.

Q. Did you discuss the contents of your letter? A. I guess we did, yes.



Q. Did you discuss the publication of your letter? A. I don't recall that I did.

Q. Was he formerly connected with the Watch Tower Bible & Tract Society? A. He was.

Q. He was? A. Yes.

Q. Who are—you have been one of Jehovah's Witnesses at one time, haven't you? A. I was.

Q. You are ashamed of that now, aren't you? A. I wouldn't say I was ashamed of that, no.

Q. Well, what is your attitude about that? A. My attitude is that I was one of Jehovah's Witnesses, yes.

Q. But you are not proud of it any more, are you? A. No, I wouldn't say I am proud of it.

Q. At one time you were proud to be one of Jehovah's Witnesses, weren't you? A. Yes, I was.

Q. But now you are not proud of it? A. That is right.

Q. You disclaim any connection whatsoever with Jehovah's Witnesses, don't you? A. That is right.

Q. Do you publicise that also to the whole world, you have, haven't you? A. I wouldn't say so, no.

Q. You have not made it public that you no longer have any connection with Jehovah's Witnesses? A. You said "publicise to the whole world." I wouldn't say that.

The Court: He objects to your expression "publicise it to the whole world."

Q. Take out "the whole world," and tell us how far you have publicised it.



Mr. Bruchhausen: I object to the form of the question anyway.

The Court: Objection sustained as to form only.

Q. You know what I am after. You answer the question. You are a lawyer—

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained. Ask him a question.

Q. The question is: To what extent have you publicised that you are no longer one of Jehovah's Witnesses?

Mr. Bruchhausen: I object to the form of the question.

The Court: I will permit him to answer it.

Mr. Bruchhausen: Exception.

The Court: And you had better fix the time.

Q. (Continuing) Since you left. A. Since I left Brooklyn?

Q. Yes. A. In these recent years since I left the class in Milwaukee, as soon as I left the organization, in my contacts with people, whenever the question came up, I have let them know very distinctly that I am not one of Jehovah's Witnesses.

Q. Have you employed any means of widely publicising it such as the Dawn magazine or any other publication, for instance? A. No—

Mr. Bruchhausen: I object to it. We have been over it over and over again.

The Court: Yes. He said "No" for the last time.

Q. Coming down to September—when did you say that Harvey Fink asked you to read that statement before the Milwaukee company? A. That was in September.

Q. What time? A. My recollection is that was the 8th, but I am not sure.

Q. How do you fix the day? A. By what I can recollect of the date on the copy.

Q. Where is the carbon copy of this statement or the original of that statement that you made? A. The original I recollect I gave to the secretary of the Milwaukee class.

Q. And the carbon copy? A. I think I have a carbon copy here.

Q. You do? A. Yes.

Q. Was Harvey Fink the sole cause of your reading that statement before the company or were you interested in reading the statement? A. I was interested, naturally, yes.

Q. When did you and Harvey Fink discuss when you were going to read that statement before the class there in Milwaukee? A. I don't recall the exact time, but I told Harvey possibly the day before that I would like to let the class know how I stood.

Q. You and Harvey Fink were quite friendly during that time, weren't you, prior to that? A. Yes.

Q. This matter of your being away from Brooklyn and the announcement in the "Watch Tower" and all had been discussed for some



time, had it not? A. I discussed that with Harvey, yes.

Q. And you had already showed him a copy of your letter, hadn't you? A. I don't recall the exact time that I showed that to him.

Q. When I asked you a while ago to tell who the people were that you gave a copy of your letter to, you did not mention Harvey Fink, did you? A. I gave Harvey one.

Mr. Bruchhausen: Yes, he did. I object to that.

The Court: It is for the jury to recollect what he did say.

Q. When did you give Harvey Fink the copy of your letter, please? A. I think that was early in September.

Q. Early in September? A. I think so.

Q. During your testimony, you stated that there were certain intimate friends to whom you showed the letter also. Who were they?

The Court: His exact answer was "I did show the letter to personal friends."

A. Harvey Fink was one of those.

Q. Who else? A. I believe Mrs. Newman.

Q. Who else? A. Fred Aebly and his wife asked to see it. You are inquiring as to this time early in September?

Q. Yes. A. I don't recall others.

Q. Then you did not during that time incorporate the substance of these charges in letters to other people either, did you, according to your testimony? A. Not in detail.

Q. And you have given us the names of every-



one that you remember giving it to? A. As far as I can recollect.

Q. As far as you can recollect? A. Yes.

Mr. Bruchhausen: I object to counsel repeating the answers.

The Court: Please don't. I let him do it. It so happened that I did make a note of that exact question and his answer. I think Mr. Seelman did, too.

Q. Are you familiar with the signature of your sister? A. Laura Rouse?

Q. Yes. A. I think I am familiar with it.

(Paper is handed to witness.)

By the Court:

Q. Is that your sister's signature at the bottom of the letter? A. That looks like it, yes.

(Another paper is handed to the witness.)

The Witness: That looks like her signature.

(Other papers handed to the witness.)

The Witness: Yes, that looks like her signature.

(Other papers handed to the witness.)

By Mr. Covington:

Q. Is that your signature? A. That is my signature, yes, sir.

Q. What is the date of it? A. August 24th.

Q. What is there underneath your signature there? A. Underneath my signature?



Q. Turn the page over and see what is underneath there. A. That is a copy of that letter.

By the Court:

Q. Does that refresh your recollection as to the dates? A. It does.

By Mr. Covington:

Q. What is the date of that letter? A. August 24th.

Q. It is a copy of what letter? A. The letter of July 21st of Judge Rutherford.

Q. Then turn it on over and read further and see what is on the back.

The Court: Referring to Plaintiff's Exhibit 4.

A. This card, do you mean?

Q. Yes. A. A copy of my announcement of opening my office for the practice of law in Wauwatosa.

Mr. Covington: We offer them in evidence now.

The Court: Show them to Mr. Bruchhausen.

(Papers handed to Mr. Bruchhausen.)

The Court: Mr. Bruchhausen, are you unfamiliar with all of these?

Mr. Bruchhausen: I don't say all of them, but I haven't seen the letters written by Laura Rouse.

The Court: If you want to take ten minutes to look them over—

Mr. Bruchhausen: I would like to take a look at them.



The Court: We will adjourn now and let you look at them.

Members of the jury, be here tomorrow at ten o'clock sharp. Please do not discuss the case.

(Whereupon an adjournment was taken until Thursday, May 13, 1943, at ten o'clock a. m.)

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May 13, 1943,
Ten o'clock a. m.

(Case continued.)

OLIN R. MOYLE, the plaintiff, resumed and testified further as follows:

*Cross-examination by Mr. Covington (Continued):*

Mr. Covington: At this time the defendants offer in evidence the letter dated September 8, 1939, Rochester, Wisconsin, addressed to "Dear Jo Nathans of the Waupun Company," signed by Laura and Leland Rouse.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit M.)

Mr. Covington: At this time the defendants offer in evidence the letter dated September 8, 1939, Rochester, Wisconsin, addressed to "Dear Friends of the Co-



lumbus Company," signed by "Laura and Leland."

Mr. Bruchhausen: No objection if they erase the underlining of it.

Mr. Covington: Your Honor, we won't have any controversy about that.

The Court: We are going to erase any underlining on all exhibits before the jury ever see them.

Mr. Covington: That will be done, your Honor. That is understood with respect to all exhibits?

The Court: All exhibits.

(The paper referred to was received in evidence and marked, Defendants' Exhibit N.)

Mr. Covington: Defendants offer in evidence letter dated September 8, 1939, Rochester, Wisconsin, addressed to "Dear Friends of Horican Company," signed by "Leland and Laura Rouse."

Mr. Bruchhausen: My objection here is I see the words "Horican Company" are in pencil and the rest of it is typewritten, unless there is some evidence that that letter was in that shape when it was sent. I don't know.

Mr. Covington: Show it to the plaintiff and we will prove that.

(Paper handed to the witness.)

Q. In whose handwriting is the top of that following the "Dear Friends"? A. I don't know.

Q. Doesn't it look like your sister's handwriting? A. It does.

Q. As a matter of fact, that is your sister's handwriting, isn't it?

Mr. Bruchhausen: I object.

The Court: Ojection overruled.

Mr. Bruchhausen: Exception.

By the Court:

Q. Is it your sister's handwriting? A. It looks like it, but I couldn't say whether it is or not.

Mr. Bruchhausen: Then I will waive the objection. I wanted to be sure about it.

(The paper referred to was received in evidence and marked Defendants' Exhibit O.)

Mr. Covington: At this time the defendants offer in evidence the letter dated August 24, 1939, addressed to "Fred and Jessie," signed by Olin R. Moyle, to which is attached his letter addressed to J. F. Rutherford, dated July 21, 1939.

The Court: Make it "A copy of his letter".

Mr. Covington: Yes, a copy, your Honor. Of course, it is understood that any pencil marks on there that have been made will be erased.

The Court: Will be erased from every exhibit. That is general, and it is stipulated to by both sides.

Mr. Covington: And attached to that



copy of the letter is an announcement of the opening of the law office of Olin R. Moyle at 1439 Underwood Avenue, Wauwatosa, Wisconsin.

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit P.)

By Mr. Covington:

Q. Mr. Moyle, since your testimony of yesterday, in order to keep the record straight, is there anything that you testified to yesterday that you desire to change now before I proceed further? A. If I recollect, I believe I said that I gave that letter to the Aeblys after September 1st. I would change that testimony to say that that letter went to them on the date stated in that letter, August 24th, I believe.

Q. Is there any other testimony that you gave, after reflection, that you desire to change? A. I don't recall any now.

Q. You still stand by the proposition then, as stated in your testimony of yesterday, that the only ones that you remember sending, that is, writing to about the conditions at Bethel prior to September 15th, outside of your sister—

Mr. Bruchhausen: I object.

Mr. Covington: Let me finish my question.

Mr. Bruchhausen: Pardon me, I thought you had.

The Court: Let him finish the question.



Q. (Continued) —was to Philbrick at Boston, John Miller in Massachusetts, and a man by the name of Rossier—what did you say his name was? A. George Rossier.

Q. Can you recall anybody else?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained. He has answered that twice. The jury will recollect what he said.

Mr. Covington: We except, your Honor.

Q. Do you recall writing a letter to a man by the name of Fryklund on September 27, 1940, in which you stated "I have kept quiet"—

Mr. Bruchhausen: Just a minute. I object.

The Court: Please don't read the letter. You may ask him if he wrote a letter concerning this controversy to that man on that date.

Mr. Bruchhausen: I respectfully object, if your Honor please. We have been all over this before, and I thought counsel had concluded yesterday, excepting only for the offering of these exhibits.

The Court: I did not understand he had concluded his cross-examination. It was I who took the adjournment so that everybody might have a chance to read the exhibits and so that the jury would not be kept waiting.

Mr. Bruchhausen: I will withdraw my understanding, your Honor.



The Court: You may ask him if he wrote a letter concerning this letter of his to Rutherford, without quoting the letter, on that date to that person, which is, I assume, what you want to find out.

Q. Did you write a letter to a man by the name of Fryklund dated September 27, 1940, about this controversy? A. I do not remember writing to any man by the name of Fryklund.

Q. Did you state to anybody on or about September 27, 1940, either orally or in writing, that you had remained quiet—

Mr. Bruchhausen: I object to the form of the question.

Mr. Covington: Let me finish.

The Court: The objection is sustained. You may refresh his recollection by anything you have, but I am not going to permit you to say something that might be objectionable.

Mr. Covington: I will come back to that later.

The Court: You have a perfect right to refresh his recollection on anything you want. I want you to understand that. But I do not want you to read something that is not in evidence and then ask him about it.

Mr. Covington: I have got to lay a predicate for impeachment.

The Court: You have a perfect right to ask—

Mr. Covington: We except to the limitation.



The Court: You have a perfect right to ask him if he wrote a man concerning what we are talking about, but I rule that you have no right to read something because it is not in evidence—to which you may have an exception.

Mr. Covington: We, of course, respectfully except to the Court's ruling as undue limitation.

Q. How many letters did the Dawn, Incorporated, send out for you?

Mr. Bruchhausen: I object to the question. We have been over that fully yesterday.

Mr. Covington: We have not been over that.

The Court: Objection sustained as to form.

Q. Did the Dawn, Incorporated, ever send out any letters in your behalf, the printed letters? A. No.

Q. Did you permit them to keep any copies? A. There was nothing said either way on that.

Q. I believe yesterday you testified that you did not give or leave with Mrs. Van Ness a copy of your letter dated July 21, 1939, to Judge Rutherford, is that correct? A. I don't recall making that statement.

Q. What is that? A. I don't remember making that statement.

By the Court:

Q. What is the fact? Do you say you did or did not? A. I gave her a copy at one time, but whether it was when we were there or later, I



don't remember. It may have been that we left one there at that time.

By Mr. Covington:

Q. Then you are changing your testimony, are you not?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We except.

(Paper handed to witness.)

Q. What do you have in your hand? A. A letter dated September 27, 1940, addressed to Mr. O. Fryklund—

The Court: The jury do not hear you.

A. (Continued) It is a letter dated September 27, 1940, addressed to Mr. O. Fryklund of Audubon, Iowa, and signed by me.

Q. Will you read the third sentence of the second paragraph, please, and see if that refreshes your memory about the facts concerning this action. A. "The Judge has raved"—

The Court: Read it to yourself.

The Witness: Oh, pardon me. (After reading) I have read it.

Q. Does that refresh your memory? A. It does.

Q. Is it a fact that you kept quiet and let the Judge rave for a year, but on September 27, 1940, the time had come to let the brethren know the truth? A. Yes.

Q. You had kept quiet and had not said a word up to that time? A. I would not put it that far, that I had not said a word.

Q. What did you mean by the expression— A. That I had not engaged in any general answer to what had been said concerning me.

Q. For a whole year? A. Approximately that.

Mr. Covington: We offer it in evidence together with the attached—

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit Q.)

Q. What was your testimony yesterday with reference to the damage that you had sustained in and around Milwaukee through the fact that three Jehovah's Witnesses had retained you to represent them in an Information March case due to the publication of this article in the "Watch Tower" that you had been shunned and avoided to such an extent that they discharged you, is that right?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. What was your testimony yesterday with respect to that matter?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. Tell us the instance of the three Jehovah's Witnesses that you were employed to represent. I want to get the facts clearly before the jury.

Mr. Bruchhausen: I object to it as already testified to.



The Court: Objection sustained.

Mr. Covington: We except to the undue limitation of the cross-examination.

Q. Were you employed by three Jehovah's Witnesses to represent them in an Information March case? A. I was.

Q. Where was that? A. Kenosha.

Q. And what county is that situated in? A. Kenosha County.

Q. Kenosha County? A. Yes.

Q. And how far is it from Milwaukee? A. Forty miles, thirty-five to forty.

Q. In what direction? A. South.

Q. Name the three individuals that you say employed you. A. One was Leslie Richards of Racine. I have forgotten the names of the other two.

Q. You remember Leslie Richards of Racine? A. Yes.

Q. And you have forgotten the names of the others? A. Yes.

Mr. Bruchhausen: I object to counsel repeating the answers.

The Court: Yes, please don't repeat the answers. If you do not understand it or do not hear it, I will have the stenographer read anything for either counsel, but do not repeat each answer.

Q. When were you employed to represent these individuals that you mentioned? A. Shortly after my return, some time in August or September.



Q. Did you take any action in their behalf? A. I did.

Q. What action did you take? A. I went down to Kenosha on the day the case was called, the day they were calling the calendar in the Circuit Court, and checked the record over—

Q. What court? A. The Circuit Court of Kenosha County. This was a case on appeal. I checked the record over. I had a conference with the City Attorney. I did some work on the law on it in preparation for it.

Q. And when the case was called, what happened? A. My memory isn't clear on that. The case was called and it wasn't set for trial. I discussed the matter with the City Attorney. It was left open.

Q. And then what did you do in respect to that case? A. I wrote to Leslie Richards, I think it was, one of the defendants, asking him some questions about the case preparing for it.

Q. When you entered your appearance before the Circuit Court, I assume that you filed an appearance in some sort of pleadings in behalf of the defendants, did you not? A. I did not, no.

Q. Did you appear before the Judge of the Circuit Court in behalf of the defendants, or did you just show up at the Circuit Court, which? A. I appeared there on the calendar day, and if I remember correctly, answered to the call of that case that I was representing them.

Q. And you advised the Court that you were representing the three defendants, is that correct? A. I did, yes.

Q. What sort of a motion was made in behalf



of the three defendants? A. No motion was made that day.

Q. What action took place then, if no motion was made? A. I stated a minute ago it wasn't put down for trial.

Q. Why? A. I don't remember. They had a number of cases there that were scheduled and this one wasn't set for trial.

Q. How far is Kenosha from Racine? A. About ten miles.

Q. In what direction? A. Kenosha is south of Racine.

Q. When you appeared in the Circuit Court, was that the first time that you appeared in that case? A. I believe it was.

Q. Where did that case originate? A. In the Municipal Court in Kenosha.

Q. Did you appear in behalf of the defendants there in the Municipal Court? A. No, sir.

Q. Who appeared in behalf of the defendants in the Municipal Court? A. An attorney by the name of Brown.

Q. What is his first name? A. Hyman.

Q. Did Mr. Brown appear in the Circuit Court? A. Later on he did.

Q. Later on he did? A. Yes.

Q. Who took the appeal in behalf of the defendants from the Municipal Court? A. Brown did.

By the Court:

Q. What is the appeal, a trial *de novo*? A. Yes.

Mr. Covington: It is a trial *de novo*, your Honor.

(Paper handed to the witness.)



By Mr. Covington:

Q. What do you have in your hand? A. This is a letter dated December 29, 1939, to Mr. Elmer G. McDaniel, zone servant in Milwaukee, signed by me.

Q. Whose signature is that? A. Mine.

Q. Who is Mr. Brown? A. Brown is an attorney.

Q. How long have you known him? A. Oh, for six or seven years.

Q. What is that? A. Six or seven years.

The Court: Please keep your voice up.

The Witness: Six or seven years.

Q. From what date are you talking about? From the date that we are now at in this court? A. Yes.

Q. Back six years? A. Something like that.

Q. Where would that take you back to, what year? A. The year before I went to Brooklyn.

Q. Six or seven years? A. Yes. That would be better than that; about seven or eight.

Q. Where does he practice law? A. In Union Grove.

Q. In Union Grove? A. Yes.

Q. And how long had he practiced law in Union Grove? A. Well, he practiced there about a year before I went to Brooklyn.

Q. A year before you went to Brooklyn? A. Yes.

Q. Read that letter and see if that refreshes your memory about that case as to who the attorney was in the case (handing to witness). Does that refresh your memory? A. In what respect?



Q. In respect to the testimony that you have given to the jury.

The Court: About the attorney?

Q. (Continued) About the attorney handling the case. A. No, that doesn't change my recollection.

Q. I am asking you does it refresh your memory. A. No.

Q. Why doesn't it? A. Well, it makes no change in what I have said, if that is what you are referring to. My memory of it is still the same as it was before I read that letter.

By the Court:

Q. And you still say that Mr. Hyman Brown was the attorney in the case? A. He was.

By Mr. Covington:

Q. And he was the lawyer in the case when you went to the Circuit Court, wasn't he? A. Well, here are the facts—

The Court: No. He wants an answer to that question. I assume you want an answer to that question?

Mr. Covington: Yes, I want an answer.

The Witness: I don't know whether he was or not.

Q. Why don't you know?

Mr. Bruchhausen: I object.

The Court: That is argumentative.

Q. Did you see Mr. Brown at any time in respect to this matter? A. Yes.

Q. When was it? A. During that interval.

Q. What interval? A. Between the time these men spoke to me and—

By the Court:

Q. By "these men" you mean the defendants — A. The defendants, yes,—and that date.

By Mr. Covington:

Q. And the day that you appeared in Circuit Court? A. Yes.

Q. When you saw Mr. Brown, what conversation did you have with him in respect to the case? A. I discussed the case with him. He was willing to surrender the case, that is, he wasn't going to appear any more. I told him these men wanted me to appear on it, and that was all right. I then later prepared a substitution of attorneys. I don't remember how much later that was. Then Mr. Brown refused to sign the substitution of attorneys. And so I dropped out.

Q. He refused to sign the substitution of attorneys? A. Yes.

Q. And why did he refuse? A. I don't know.

Q. Did you have any conversation with him with respect to his refusal to sign? A. Well, he said he still wants to stay on the case.

Q. As a matter of fact, weren't you soliciting that case and trying to come in and boot Mr. Brown out?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained. Exception to the defendants.



Mr. Covington: We except. Now we offer in evidence a letter dated December 29, 1939.

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit R.)

Q. Does Defendants' Exhibit R, which I hold in my hand, a letter signed by Olin R. Moyle, relate to the three cases that you have been mentioning to the jury? A. It does.

Mr. Covington: I will read this to the jury now.

(Mr. Covington reads Defendants' Exhibit R to the jury.)

Q. At that time you knew that Mr. Brown was in the case handling it, didn't you? A. That is right.

Q. Did you think he was incompetent in handling the matter? A. No.

Q. Is that what prompted you to write this letter of advice to these men? A. No.

Q. You say you practiced in Union Grove several years before you came to Brooklyn, is that right? A. That is right.

Q. And most of your clientele and acquaintance was in and around Racine County, is that correct? A. The biggest portion of it.

Q. That is where your entire clientele came from, wasn't it, practically? A. Not the entire clientele.

Q. The bigger portion of it, we will say? A. Yes.



Q. When you went back to Milwaukee, and after this instance that you have described to the jury about seeing Mr. Brown, I will ask you if it is not a fact that Mr. Brown, the attorney, had to get an injunction against you from violating a contract that you had with him in practicing law in Racine County? A. We had a controversy on that in the court. He brought an injunction action.

Q. And the injunction was granted against you restraining you from practicing law in that county pursuant to a contract with him, was that not true? A. It was.

Q. And you were attempting to practice in Racine County, were you not? A. I planned to open an office.

Q. Where? A. In another portion of the county.

Q. In another portion of the county? A. Yes.

Q. And you had a contract with Mr. Brown in 1935 when you left there, didn't you? A. That is right.

Q. And what was the contract? A. The contract covered two whole counties.

Q. What counties? A. Kenosha and Racine.

Q. And what was the substance of the agreement? A. That I would not practice there for a period of ten years.

Q. And it was in Kenosha County where you attempted to interfere in this case, is that correct?

Mr. Bruchhausen: I object to the question.

The Court: I will permit him to answer.

Mr. Bruchhausen: Exception.

The Court: Exception to the plaintiff.



A. These men came to me in Milwaukee County and asked me to handle the case.

By the Court:

Q. But the case was in Kenosha County? A. The case was in Kenosha County.

By Mr. Covington:

Q. Did you depend upon Jehovah's Witnesses for the major part of your law business?

The Court: Fix a time, please; before or after Brooklyn.

Q. Before May, 1935, did you depend upon Jehovah's Witnesses for the major part of your law practice? A. No.

Q. During the time that you were residing at Union Grove, did you have a big or substantial part of your practice coming from Milwaukee? A. There was practice which came from Milwaukee, substantial.

Q. What amount of substantial practice was it, Milwaukee and the suburbs? A. I cannot remember figures.

Q. But did the substantial part of the Milwaukee practice depend on Jehovah's Witnesses? A. What practice came from Milwaukee was mainly Jehovah's Witnesses.

Q. What portion of your practice in Racine County depended on the Milwaukee business? A. I couldn't say.

Q. Could you give us an approximation? A. I cannot remember.

The Court: Percentage-wise is what Mr. Covington wants to know, I think.

Mr. Covington: Just approximately.



A. (Continued) It might have been ten per cent of it.

Q. It might have been ten per cent? A. Yes.

Q. Was it more than ten per cent or less than ten per cent? A. I don't think it would be more.

Q. You don't think it would be more? A. No.

Q. How much money did you ordinarily draw each year from Jehovah's Witnesses in your law practice?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. What portion of your law practice each year came from Jehovah's Witnesses?

Mr. Bruchhausen: I object to this question.

The Court: I will permit him to answer that.

A. I don't know.

Q. The entire practice? A. I don't know.

Q. Was it small or large? A. A medium amount.

By the Court:

Q. What is your best estimate? Nobody is going to ask you the exact percentage. Your best estimate is what Mr. Covington is looking for, I think—isn't that right?

Mr. Covington: That is all I want.

A. It would not be over ten per cent.

Q. Would you say it was approximately ten per cent? A. Probably that, yes.



By Mr. Covington:

Q. Then you did not have any practice from any of Jehovah's Witnesses in Racine or Kenosha County, did you, prior to the time you came to Brooklyn in 1935? A. Yes, I did.

Q. Did you have any practice from Milwaukee other than Jehovah's Witnesses? A. I don't remember any degree of it. There might have been an instance or two.

The Court: He testified, I think, that substantially all of his practice from Milwaukee was from Jehovah's Witnesses.

Q. Did the publication of the "Watch Tower" article entitled "Information" or "Snares" cause people that were not Jehovah's Witnesses to shun and avoid you in the practice of the law? A. I don't know.

Q. What is that? A. I don't know as it did.

Q. As a matter of fact, you know that only Jehovah's Witnesses or people that are interested in Jehovah's Witnesses read the Watch Tower magazine, is that correct, and are usually influenced by it? A. I don't know whether that is entirely the case.

Q. Substantially, isn't it?

Mr. Bruchhausen: I object to that. I don't see how anybody can determine that.

The Court: Objection sustained.

Q. Do you know of any instance where anybody that was not one of Jehovah's Witnesses shunned and avoided you in your law practice? A. I don't know of any, no.

Q. You do not know of any? A. No.

Mr. Covington: May I see a copy of your complaint, counsel? I would like to have the original complaint.

Mr. Bruchhausen: It is in your appeal book.

Mr. Covington: But I want the original complaint.

Mr. Bruchhausen: It may be in the Clerk's possession. It is a public record.

The Court: I assume this has to do with the verification?

Mr. Covington: Yes.

The Court: I assume it will be stipulated that it is a verified pleading?

Mr. Bruchhausen: Yes.

Mr. Covington: I have a copy.

The Court: I have a copy before me, and it is purported to be verified on the 7th of October, 1940.

Mr. Bruchhausen: There is no mystery about it.

Q. I hand to you a copy of your sworn complaint in this action, and ask that you read the last two lines that precede the prayer for relief (handing to witness). A. Yes.

Q. Did you read that? A. Yes.

Q. There is a similar line to that that precedes the prayer for relief to the first cause of action, is that correct? A. I believe so.

Q. What amount of money have you suffered in the way of loss of income in your profession as the results of these two publications, "Snares", and the articles entitled "Information"?



Mr. Bruchhausen: I object to the question.

The Court: Objection sustained. Exception to the defendants.

Mr. Covington: We take an exception.

Q. What was your average annual income in 1930 and 1931?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. What was your annual income for the years 1930, 1931, 1932, 1933, 1934 and 1935 prior to coming to Bethel?

Mr. Bruchhausen: Same objection.

The Court: Objection sustained; exception to the defendants.

Mr. Covington: We except.

Q. What has been your annual income in the law business since 1939, August?

Mr. Bruchhausen: Same objection.

The Court: Objection sustained; exception to the defendants.

Mr. Covington: We except.

Q. What was your motive in coming to Bethel? A. To serve the Lord on full time.

Q. I will ask you if prior to the time that you came to Bethel, if you were not engaged in another business in addition to the law business? A. Yes.

Q. What other business were you engaged in? A. I was Secretary of a National Farm Loan Association.



Q. Yes. I will ask you if it was not a fact that the greater portion of your income was from that source? A. During the—

Mr. Bruchhausen: I object to that.

The Court: Objection sustained; exception to the defendants.

Mr. Covington: We except.

Q. Did you have any financial motive or selfish motive in coming to Bethel? A. No, sir.

Q. You did not come there for the purpose of making money, is that right? A. No, sir.

Q. Did your wife come there for that purpose? A. No, sir.

(Paper handed to witness.)

Q. You have in your hand what? A. This appears to be a page, a magazine entitled "The Progressive."

Q. You say magazine. Is it not a fact that "The Progressive" is a nationally known newspaper published by the LaFollette Brothers in that section of the country? A. Yes.

Q. And it has a national circulation, does it not? A. That is right.

Q. Take a look at that marked article in there and see if that refreshes your memory. A. I remember the article.

Q. If you remember the article, can you tell me now if you want to change your testimony as to what you said yesterday on any matter? A. I don't remember testimony that conflicted with that.

Q. Do you rememer a question yesterday as to whether or not you had repeated the charges



that you had made or had been made against you by the Watch Tower Bible & Tract Society publicly in a publication, and you said no, emphatically? A. I believe there was something of that sort.

Q. Now, do you want to change it? A. I would change that as to that date, yes.

Mr. Bruchhausen: What is the date?

Mr. Covington: This is September 5, 1942.

The Witness: That is right.

Mr. Covington: We offer it in evidence.

Mr. Bruchhausen: I object to it as not within the issues in the case.

Mr. Covington: May I answer that objection?

The Court: Will you let me look at it, first?

Mr. Covington: No objection (handing paper to the Court).

The Court: Why do you say it is admissible?

Mr. Covington: I say it is admissible on this theory: That whenever a plaintiff repeats either the exact charges or the substance of the charges he alleges the defendant makes against him, that he himself has caused the damage or a great portion of the damage, and it bears on the question of damage.

The Court: The objection is sustained and the paper will be marked for identification. Exception to the defendants.



Mr. Bruchhausen: And may I say too, because of the remark of counsel, that there is no claim made here by the defendants of any libel by the plaintiff.

(The paper referred to was marked Defendants' Exhibit S for identification.)

Mr. Covington: Now I re-offer that paper for the purpose of impeaching the witness.

Mr. Bruchhausen: I object.

The Court: Same ruling and same exception.

Mr. Bruchhausen: And I object to the term used by the defendants.

The Court: Yes, the jury will disregard the word "impeachment." The Court has ruled on it.

Mr. Covington: And I except to your Honor's ruling.

(Paper handed to witness.)

Q. What do you have in your hand? A. What appears to be a clipping from the Milwaukee Journal of October 15, 1942.

Q. Does that refresh your memory. A. I remember that article.

The Court: As to what?

Q. As to the question that I asked you yesterday, as to whether or not you had made public the assertion in a publication or newspaper that you were not affiliated with Jehovah's Witnesses?

Mr. Bruchhausen: I object to this



statement by counsel and to the offer made by counsel on the ground that he should not offer evidence that he knows is not admissible, something that transpired long after the action started.

The Court: I will permit the question. Does that refresh your recollection? Exception to the plaintiff.

The Witness: Refresh my recollection as to what?

The Court: As to something you said yesterday concerning your membership—

The Witness: This does not refresh my recollection as to anything I said yesterday.

Q. Were you not asked a question yesterday as to whether or not you had made public in a large newspaper the fact that you were not affiliated with or associated with Jehovah's Witnesses? Do you recollect that question?

Mr. Bruchhausen: I object to the form of the question.

The Court: The form is bad. Do you mind reading the exact question, if you have it there?

Mr. Covington: This is too long. I will get it later. I would like to have it marked for identification now.

The Court: Certainly you may.

(The paper referred to was marked Defendants' Exhibit T for identification.)

Q. Did you not write the letter that is referred to in that article?

Mr. Bruchhausen: I object.

The Court: Objection sustained. It is not in evidence.

Q. In what size quantities did you mail your printed letter?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained. It has already been answered. It is my recollection he answered that in cross-examination.

Mr. Covington: He said he mailed 2,000.

The Court: No, he said he mailed 1,500. He had a couple thousand printed.

Q. On the occasions that you mailed them each time, how many did you mail at a time?

Mr. Bruchhausen: I object to it on the ground that we have been all over it yesterday.

The Court: Objection sustained; exception to the defendants.

Mr. Covington: We except to the limitation.

Q. Did you not take a list of names with you from the files of the Watch Tower Bible & Tract Society when you left for the purpose of making public to them the charges that you had made in this letter to the Bethel family? A. I did not.

Q. Did you take any sort of list of names from the Bethel, from Watch Tower Bible & Tract Society? A. I did not.

(Paper handed to the witness.)



Q. What do you have in your hand? A. I have a letter dated August 17, 1939, to Harry L. Parkhurst, signed by myself.

The Court: Do you want to offer it in evidence?

Mr. Covington: I would rather wait, as I have a lot of them.

The Court: Are they all along similar lines? If they are, why don't you clip them together and make one exhibit of it?

Mr. Covington: I am afraid they are not on exactly similar lines. I would like to have that marked for identification. We might as well introduce it in evidence.

The Court: Are they all going to be offered in evidence?

Mr. Covington: Yes.

The Court: Do you mind showing them to Mr. Bruchhausen?

Mr. Covington: No.

The Court: I will give the jury their five-minutes recess now and you may look up that question that you want and perhaps we will all save time.

Mr. Covington: I would like to have them identified by the plaintiff first.

The Court: All right, hand them all to him and let him identify them all, and then you can offer them as one or separate exhibits, according to your wish.

(Some papers are handed to the witness.)

The Court (addressing the witness): After Mr. Covington hands you all the letters, then tell us whom the letter is to, whom it is signed by, and the date of it.



(Additional papers handed to the witness.)

The Court: We will let the witness identify each one, and then, we will give Mr. Bruchhausen a chance to look them over, and then you can look up your question, and then we will take the recess.

Mr. Covington: May I ask one question before recess?

The Court: You may ask anything you want. The only thing is I do not want the jury sitting here while obviously you lawyers have to spend some time on these letters.

Q. Mr. Moyle, do those letters refresh your memory as to whether or not you mailed to various individuals copies of your charges prior to October 15, 1939? A. I wouldn't say copies of charges.

Q. Well, substance of charges. A. They state reasons why I left the organization.

Q. State reasons why you left the organization? A. Yes.

By the Court:

Q. You say these refresh your recollection as to whether you notified the people the reasons why you left the organization prior to October 15, 1939? A. That is right.

By Mr. Covington:

Q. Does it refresh your memory as to the name



of any individuals that you have not given the jury from memory? A. It does.

Q. Now, what persons are they? Just tell the jury now. A. Here is one, Mrs. Earl Cassidy in Chicago. There is Harry L. Parkhurst in New Jersey; Mrs. Frances Hunter in Plainfield, New Jersey; there is William C. Shook in Duluth; there is R. H. Barber in Genesee, New York.

Q. Are those all to Barber? A. No, this (indicating) is Philbrick. I had mentioned him before. Grover Powell, I think I mentioned him before. I think that is all.

Q. Who else? A. This (indicating) has no name on it.

Mr. Covington: Now I offer them.

The Court: I think if you clip them together and offer them as one exhibit, you will be better off. We will take a ten-minute recess now so that the lawyers will have a chance to look at these letters.

(Short recess.)

Mr. Covington: We now offer in evidence the various exhibits that were handed to the plaintiff and which have been examined by his counsel.

The Court: And identified by the plaintiff.

Mr. Covington: And identified by the plaintiff.

The Court: Any objection?

Mr. Bruchhausen: No objection.

The Court: Do you want them marked as one exhibit?

Mr. Bruchhausen: I ask that the de-



fendants' counsel let me have copies of them, if he will.

The Court: Either side may look at the exhibits at any time. They are in evidence.

Mr. Bruchhausen: I would like to have copies of them.

The Court: If either side wants to make a copy of them, either side may do so. Now do you want to make it one exhibit?

Mr. Covington: Yes, I will do that.

(Batch of letters received in evidence as Defendants' Exhibit U.)

By Mr. Covington:

Q. After you had the opportunity to look those exhibits over, do you now desire to change your testimony in any respect as of yesterday?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained as to form.

Mr. Covington: We take an exception to your Honor's limitation of cross-examination.

The Court: I said "Objection sustained as to form."

Mr. Bruchhausen: I don't think counsel has a right to protest about limitation of cross-examination; that is characterizing something and it is not in the form of a legal objection.

The Court: I am not very touchy, and I shall instruct the jury at the proper



time that anything the Court has ruled on, they must take, because if the Court makes mistakes, there are ways of correcting them.

Mr. Covington: That is right.

Q. Do those letters refresh your memory? A. Yes.

Q. Do you desire to add to the list of individuals you named yesterday any other individuals to whom you made the substance of these charges or reasons for your leaving Bethel? A. You mean as refreshed by those letters?

Q. Yes, as refreshed by those letters. A. I believe I stated those just before I left the stand.

Q. And you do add to that, then; you actually sent these letters, then, did you not, all that have been identified here as Exhibit U? A. Yes.

Q. Take a look at that and tell me what it is. A. It appears to be a questionnaire dated January 2, 1933 with my signature.

Q. It is a questionnaire submitted to you by the president's office of the Watch Tower Bible & Tract Society, is it not? A. Yes, sir.

Q. Concerning your desire to come to Bethel, is that correct? A. Yes, sir.

Mr. Covington: We offer it in evidence.

Mr. Bruchhausen: No objection.

(The paper was received in evidence and marked Defendants' Exhibit V.)

Mr. Bruchhausen: May I have the date of that?

The Court: January 2, 1933.

Q. Now, pursuant to your application of January 2, 1933, you came to Bethel in 1935, did you not? A. That is right.

Q. Now, did the Lord remove you from your position of duty? A. No.

Q. The Lord did not? A. No.

Q. Did you keep your agreement to remain at your service at Bethel until removed by the Lord? A. No.

Q. You did not. What do you have in your hand now? A. I have a letter dated January 8, 1940, addressed to the members of the Watch Tower Bible & Tract Society, Inc., with my signature thereon.

Q. What sort of a copy is that? A. It is made with, I think they call it, a ditto machine.

Q. Is that like the mimeograph, the same order? A. It is on the same order.

Q. Is the document which you hold in your hand the original of that ditto copy? A. That appears to be the original.

Mr. Covington: We will offer then both in evidence, the copy as well as the original, as one exhibit.

Mr. Bruchhausen: No objection.

(The papers were received in evidence and marked Defendants' Exhibit W.)

Q. When did you start circulating that letter? A. On that date, I believe.

Q. What is that? A. I believe it is on that date.

The Court: January 8, 1940?

The Witness: Yes.



Q. What do you have in your hands now? A. I have a letter dated January 8, 1940, addressed to Fred and Jessie Aebly, Waukegan, Illinois, with my signature thereon.

The Court: Do you want the other one also?

Mr. Covington: Yes.

The Witness: I have in my hand a letter dated February 1, 1940, addressed to Fred and Jessie Aebly of Waukegan, Illinois, with my signature thereon.

Mr. Covington: While counsel is looking at that exhibit, I refer to Exhibit W, which is the letter of January 8, 1940, addressed to the members of the Watch Tower Bible & Tract Society, Inc.

Q. Would you tell the jury how many copies of that letter you mailed out, approximately. A. I mailed that to the members of that corporation.

The Court: He asked you the number of copies, if you can tell us.

The Witness: I think about a dozen.

Q. You mailed them to the members of the corporation? A. As near as I could recollect their names.

Q. How many?

The Court: He said a dozen.

Mr. Covington: I withdraw the question.

Q. Did you mail it to anybody outside of the directors of the corporation? A. The members as well as the directors.



Q. Outside of the members, did you mail it to anybody else? A. I don't remember.

Q. Do you know approximately how many members there are at the Watch Tower Bible & Tract Society? A. That is the New York corporation?

Q. Yes. A. My recollection is there was about 40.

Q. Before you returned to Bethel, from July 21st to August 8th, during the time that you were on your vacation, did you write to anybody and state the substance of your reasons for leaving Bethel? A. Yes.

Q. Who? A. I will qualify that. I wouldn't call it the substance. I stated reasons for leaving.

Q. Who? A. I wrote to John Miller and I think I wrote to Philbrick.

Q. That is one of these letters that is already in evidence? A. Yes, sir.

Mr. Bruchhausen: I have no objection to those other letters.

Mr. Covington: Mark these as one exhibit.

(The two letters were received in evidence and marked Defendants' Exhibit X.)

Q. What is that that you have in your hand? A. This is a letter dated July 29, 1939, addressed to John G. Miller, Shelburne Falls, New York, with my signature thereto.

Mr. Covington: I offer now in evidence letter dated July 29, 1939, signed by Olin



R. Moyle, addressed to John G. Miller, Shelbourne Falls, New York.

Mr. Bruchhausen: No objection.

(The letter was received in evidence and marked Defendants' Exhibit Y.)

Q. You meant Shelburne Falls, Massachusetts, did you not? A. Yes, sir.

Q. Please identify that which you have in your hand. A. This appears to be a carbon copy of letter dated July 20, 1940, addressed to Mr. Clarence Scott, Old Town, Maine, with my signature.

The Court: Together with an envelope?

The Witness: Together with an envelope.

Mr. Covington: I offer in evidence that letter to which the plaintiff has just referred.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit Z.)

The Court: You are asked to identify what you have in your hand now.

The Witness: I hold in may hand a letter dated January 5, 1940, addressed to R. H. Barber, Syracuse, New York, with my signature thereto, and containing attached to it a copy of the letter dated January 8, 1940, addressed to the members of the Watch Tower Bible & Tract Society, Inc.



Mr. Covington: We offer it in evidence.

The Court: Show it to Mr. Bruchhausen.

Mr. Bruchhausen: There is no objection. I assume the same policy will be followed of striking out the underlining.

The Court: That will be followed by both sides.

(The letter was received in evidence and marked Defendants' Exhibit D-1.)

Q. What do you hold in your hand now, Mr. Moyle? A. This appears to be a statement or circular with my signature thereon—no date—with an envelope attached dated January 17, 1941, which envelope contains in the corner "After 5 days return to F. Dehjen, Milwaukee, Wisconsin."

Q. Have you ever seen that or a similar document before? A. I have seen similar ones, probably this one.

Q. Probably that one? A. Yes, sir.

Q. Do you know the individual? A. Dehjen?

Q. Yes. A. Yes.

Q. How many copies of that letter or that statement did you mail out? A. I don't remember.

Q. Approximately? I am not asking for the exact amount. I understand it is difficult to remember those things, but just approximately. A. It might have been 50 of them. It might have been more or less. I don't remember.

Q. How many more? A. I don't know.

Q. Ten more?



The Court: He said he doesn't know.

Q. Who did you mail them to? A. I remember this man Dehjen.

Q. Who else did you mail them to? A. I don't remember.

Q. Not a soul? A. I believe I mailed several in Milwaukee, but I don't recall.

Q. When did you start mailing them? A. According to what help this envelope gives to my—

The Court: Please answer the question.

The Witness: I don't remember when I did.

Q. Was it in 1941? A. It may have been.

Q. Was it in 1940? A. I don't know.

Q. Was it in 1939? A. I don't think so.

Q. Was it in 1942? A. I don't think so.

Q. Did you mail them all out at one time or over a course of time? A. I don't remember on that.

Mr. Covington: We now offer in evidence the exhibit which has been referred to by the witness.

Mr. Bruchhausen: I assume the envelope is being offered, too?

Mr. Covington: Yes.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit D-2.)

Q. What do you now hold in your hand? A.

This appears to be a circular entitled, "God is Not The Author Of Confusion."

Q. When was the first time you saw that? A. I believe sometime in 1941, the latter part of 1940, perhaps.

Q. Who is the author of that? Are you the one that prepared that? A. No.

Q. Did you mail any of those out? A. I mailed some.

Q. Who is the author? A. I can't recall his name. I think it is Methune, or something like that.

Q. How many of those did you mail, please? A. I don't remember.

Q. Well, of course, you remember whether it was five or ten or fifty, or how many? Like you gave us an approximation on the others. A. That is as near as I can say is my opinion. Might have been 50 or might have been 25, might have been 60.

Q. Was it several hundred? A. I don't think so.

Q. Was it, say, 75? A. I don't know.

Q. Was it 100? A. I don't think so.

Q. Was it 150? A. I don't think so. I don't know.

Q. I beg your pardon? A. I don't know.

Q. You don't think so? A. No.

Mr. Covington: I offer it in evidence.

Mr. Bruchhausen: May I have the Court's copy of the pleadings? Just for a moment.

The Court: Certainly. They are all marked by the Court, though.



Mr. Bruchhausen: I want to look at one page.

The Court: I made several notes on these when I took them home to go over the pleadings.

Mr. Bruchhausen: No objection.

(Received and marked Defendants' Exhibit D-3.)

Q. With reference to Exhibit D-3, I will ask you now if it is not a fact that you mailed more than 150 of those? A. I don't think so.

Q. You don't think so? A. That is my best recollection.

Q. I will take your judgment in the matter. You are the man that did it. Now I ask you to look at that.

The Court: I think that is another copy of the same article.

Mr. Covington: It is a copy of the same article.

Q. But now look at the envelope, just the envelope. I direct your attention to the envelope. A. I see the envelope.

Q. Is that your envelope? Look at the return address. A. I believe that is.

Q. That is your return address? A. Yes.

Q. You notice the stamp on there? A. Yes, sir.

Q. The post-mark? A. Yes.

Q. What sort of stamp is on there? A. Cent and a half.

Q. Now then, what sort of postage goes on the cent and a half, first, second or third? A. I am not familiar.



Mr. Bruchhausen: Shouldn't we have it offered at this time rather than explain what it is?

Mr. Covington: All right.

Q. That is the envelope that contained a document identical to D-3, is it not? It is one that you have just identified? A. Yes, it is.

Q. Do you see those? A. Yes, sir.

Mr. Covington: I offer the envelope.

Mr. Bruchhausen: No objection.

(Received and marked Defendants' Exhibit D-4.)

Q. When you see the postage stamp on there and the cancellation mark, will it not refresh your memory that you mailed more than 150 of those? A. Maybe I did; I don't know.

Q. Then you don't know. Maybe you did.

The Court: Please do not repeat the answers.

Q. Don't you know that you cannot send less than 150 documents under that class of mail at one time? A. I am not familiar with the regulations.

Q. In other words, if you take advantage of the--

The Court: He has already said he is not familiar with postage rates. If you have evidence to offer that is something else.

Q. Did you write to anyone or talk to anyone —I will withdraw that. Did you write to anyone prior to July 17-21, 1939?



The Court: That is July 21st?

Mr. Bruchhausen: I object to it. We have already been over it.

Mr. Covington: No, we haven't.

The Court: I will permit him to answer.

Q. With reference to your plan of leaving Bethel—

The Court: We will put the objection after the entire question and the objection is overruled, with the same ruling.

Mr. Bruchhausen: Yes.

The Court: Do you understand the question?

The Witness: Yes, but I don't recollect writing to anyone with reference to leaving.

Q. I beg your pardon.

The Court: He does not recollect having written to anybody about leaving?

Q. Would you say that you did or didn't? A. I said I don't recollect.

Q. You have enough judgment about the matter to say yes or no? A. No.

Q. After you left for your vacation — what place was it you spent your vacation at in 1939? A. Near Ticonderoga, Eagle Lake.

Q. When you went to that place did you write to anybody else outside of John Miller and Philbrick about your reasons for leaving Bethel? A. I don't remember that I did.

Q. You do not remember that you did? A. No, sir.



Q. Don't you know a man by the name of Walter Chambers? A. Yes, sir.

Q. Where does he live?. A. He is dead.

Q. I understand that, but where did he live before he died? A. Pittsburgh.

Q. And did you write him? A. I may have done so but I don't remember.

Q. When did you begin your discussions with your wife and make up your mind with reference to your intention to leave Bethel?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We except.

Q. How long had you been considering the matter of leaving Bethel before you left?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Q. In your letter you state that you had been considering for sometime your plans of leaving Bethel. Can you tell us how long you had been considering that as stated in your letter?

Mr. Bruchhausen: I object to it.

The Court: Which letter are you referring to?

Mr. Covington: The letter of July 21, 1939.

A. The letter to Mr. Rutherford?

Mr. Covington: Yes.

The Court: I will permit him to answer and exception to the plaintiff.

The Witness: I couldn't state exactly because it was a comparatively short period of time, a few weeks, possibly.



Q. You heard your wife's testimony. She said it was a week.

Mr. Bruchhausen: I object to that.

The Court: We are not concerned with other witnesses' testimony. Objection sustained.

Q. You say a few weeks? How long was it?

The Court: He has already answered that. He said a few weeks.

Q. What month was it, if you recall?

Mr. Bruchhausen: I object to it on the ground that it is answered.

The Court: Objection sustained; already answered.

Q. Do you know a man by the name of Treder? A. William Treder?

Q. Yes. A. Yes.

Q. How long have you known him? A. Ten years, I guess.

Q. Who is he? A. He is a man that lived here in Brooklyn, I believe, or did.

Q. Did he ever stay at Philadelphia? A. Yes.

Q. Was he ever at St. Louis? A. Yes.

Q. Did you ever tell Mr. Treder in Philadelphia, some months before you actually left, that you were gathering evidence on conditions at Bethel and would spring it on J.F.R. in due time? A. No, I did not.

Q. You did not? A. No.

Q. I will ask you whether or not that prior to July 21, 1939 you wrote a letter or sent a communication to Mr. Treder at St. Louis stating

substantially the same thing and advising that you were then planning on leaving Bethel.

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Do you remember writing Mr. Treder at St. Louis with reference to your intention of of leaving Bethel? A. I do not.

Q. Did you or did you not? A. I don't remember.

Q. He was in Philadelphia before he was at St. Louis, wasn't he? A. I believe he was.

Q. Why are you so emphatic about not telling Treder at Philadelphia but yet you don't remember whether you wrote him at St. Louis?

Mr. Bruchhausen: I object to the form of the question.

The Court: The objection is sustained. Please be a little more careful. That is not a question, in the Court's judgment.

Mr. Covington: We except.

Q. What is it that you have got in your hand, please? A. This appears to be a letter dated September 18, 1939, addressed to a Sister Dilly, with an envelope addressed to Mrs. Hattie Dilly, with a signature, "Phoebe M. Moyle."

Q. Who is Phoebe M. Moyle? A. She is my wife.

Mr. Covington: I offer it in evidence.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit D-5.)



Q. Had you and your wife been considering this matter of leaving Bethel since May, 1939? A. We talked about it at different times, but a definite decision was not reached until later than that, I am sure.

Q. When was a definite decision reached, please? A. I can't say exactly.

Q. Well, was it two weeks, three weeks, one week, or what? A. I think within a few weeks of the time we left.

Q. A few weeks of the time you left? A. I think it was.

Q. Did you have any reasons for leaving other than those stated in your letter of July 21, 1939? A. There were some, yes.

Q. Well now, would you please state them. A. There was a change in the teachings of the Watch Tower which had been coming in to the publications—

Q. Which teachings—

Mr. Bruchhausen: I submit he should be permitted to answer.

Q. Go right ahead. I beg your pardon. I didn't mean to cut the witness off.

The Court: I am sure you didn't. Finish your answer.

The Witness: Well, one of those teachings was what is called the "Fill The Earth Doctrine," a teaching to the effect that during the thousand year reign of Christ a group of persons which have been called Jonadabs by Jehovah's Prophets would intermarry and would bring forth children who would fill the earth



with a righteous race. That teaching I could not see was in accordance with the Scriptures.

Q. When did you first see that? A. Well, it was a matter of progression. I could not say when I exactly positively reached the conclusion. We studied it and talked about it over the period of time since it first came out.

Q. When did it come out, please? A. Well, it was in the fall, I believe, of 1938. I am not sure.

Q. Outside of that, was there any other reason? A. There might have been others. I don't recall offhand.

Q. See if you can't refresh your memory and think—leave the doctrine out that you objected to—but see if you cannot think of some other reasons, if there are any. A. I don't recall any others.

Q. Was there any act or move or conduct on the part of J. F. Rutherford that precipitated your desire to leave? A. I don't recall any.

Q. You do not recall any? Well, in your short letter which accompanied your long letter,—

The Court: Plaintiff's Exhibit 3.

Mr. Bruchhausen: I ask that counsel refer to them as exhibits and not characterize them as to length.

Mr. Covington: It is very difficult, but I will do that.

The Court: We will all try to help out.

Q. Referring to the letter that you wrote to J. F. Rutherford, dated July 21, 1939, there was a long letter and there was an accompanying letter with that, was there not? A. Yes.



Q. Now, in your accompanying letter you stated that you had talked to the Judge that day, did you not? A. Yes, sir, that is right.

Q. What had you talked about? Did you discuss with the Judge your reasons or desires for leaving Bethel? A. I did not.

Q. What were you talking about? A. Matters in which I had been working.

Q. What matters? A. One matter was the case in Greenfield, I believe it is, Massachusetts, which I had been up on and just returned from.

Q. You had been to Greenfield and just returned? A. Yes, sir.

Q. When did you go to Greenfield? A. The first part of the week.

Q. When did you come back from Greenfield? A. It was Thursday or Friday.

Q. And on the very day you got back you had a conversation with the Judge, is that right? A. It was the next day, yes. I was back the night before.

Q. Outside of the case that you had gone to Greenfield on, what other matters did you discuss, please? A. There was some discussion concerning the Madison Square Garden cases.

Q. What cases do you refer to in that regard? A. The cases against Orrell, Heath, and the third man, I can't remember his name.

Q. What was the discussion? A. I don't recall much of it. Mr. Rutherford didn't like it because I had been at Massachusetts practically the whole week on that other case, and he said the case had been poorly handled.

Q. What else? A. I don't recall.

Q. When you say the case had been poorly handled, what case? A. The case against Heath—



The Court: The Madison Square Garden cases that you have described?

The Witness: Yes, sir.

Q. What did he say as reasons for your poor handling of the case? A. He did not give me any details.

Q. Prior to that, that is before you left Brooklyn to go to Massachusetts, did you have a discussion with Mr. Rutherford with reference to your handling of the Madison Square Garden case? A. A number of discussions.

Q. And what were the substance of those discussions? A. Well, there was a discussion concerning the general handling of the case. There was criticism of Major Wheeless who was in charge of the handling of it until he was asked to subside, and later there was criticism of my handling of it.

Q. What criticism was leveled against your handling of it? A. He never gave me any details.

Q. Major Wheeless—who became acquainted with him first, you or Judge Rutherford, in reference to this matter of Madison Square Garden? A. Will you repeat that question?

Q. With reference to Madison Square Garden.

The Court: The stenographer will repeat the question.

(The following question was thereupon read by the reporter:

"Q. Major Wheeless—who became acquainted with him first, you or Judge Rutherford, in reference to this matter of Madison Square Garden?")



The Court: Let us strike out that question and start fresh. What you want to know, I take it—

Mr. Covington: I will reframe it.

Q. Did you suggest Major Wheeless for the handling of this case? A. I don't remember, or whether it was just simply mutually agreed on. He was in other cases, too, in connection with the Madison Square Garden.

Q. Who suggested Major Wheeless for the first Madison Square Garden case that you became acquainted with? A. I don't remember.

Q. Was it you? A. Probably. I don't know.

Q. Will you say it was not? A. No.

Q. What was the reason of obtaining special assistant counsel to you in these cases? A. We had Wheeless in other cases. We had special counsel in those cases, I believe, for the same reason we did in other cases. More than one counsel helped in a case. Furthermore, my knowledge of practice in New York courts was limited. I was glad to have assistance.

Q. What is that? You were limited—

Mr. Bruchhausen: I submit he has answered the question. The stenographer can read it.

Q. What is your answer?

The Court: Read it, please.

(The foregoing answer was thereupon read by the Court Stenographer.)

Q. That was in 1939, was it not? A. That is right.

Q. When were you admitted to practice law in the State of New York? A. 1936, I believe it was.

Q. Did you not find Major Wheeless first for assistance in the case at Philadelphia? A. That is right.

Q. You recommended him?

The Court: Did you recommend him for the Philadelphia case?

The Witness: I don't know whether you would call it recommending.

Q. Did you suggest him? Call it what you want.

The Witness: I called him to Judge Rutherford's attention.

Q. You were general counsel for Jehovah's Witnesses, were you not? A. That was the term applied to me.

Q. You assumed that title, did you not? A. I think I accepted it or assumed it, yes.

Q. And you were in on all of the preliminary discussions with reference to the hearings of the cases going out of the Madison Square Garden incident, were you not? A. I think so.

Q. And were you in on the discussions with reference to the handling of the Heath, Orrell and Calangelo cases growing out of the Madison Square Garden controversy? A. I believe I was.

Q. At all of those discussions? A. I think I was, yes.

Q. And at which Major Wheeless was present, is that correct? A. He was there at some of them, yes.



Q. Was Major Wheeless acting under your direction in this matter? A. We worked together. Major Wheeless took the lead in the trial of the cases.

Q. You assisted him, did you not? A. In the trial, yes.

Q. That is to say, you discussed the policy of the handling of the cases, the moves to be made, what witnesses were to be offered at the hearing and what facts were to be proved, isn't that correct? A. Yes.

Q. And you attended the hearings for what purpose? A. For the purpose of obtaining justice for these men, for securing their release.

Q. And did you attend hearings for the purpose of assisting or doing anything in any way? A. Yes, sir.

Q. Did you have any authority in reference to the handling of these cases, the method of handling them? A. Well, no specific written authority. As counsel I had authority to handle the cases, I presume.

Q. I understand that. But you did have authority, generally conferred upon you by Judge Rutherford, to discussions, as well as your office? A. Yes, I believe so.

Q. You, of course, in the trial of these cases would immediately check any move that was contrary to instructions, would you not, done by Major Wheeless? A. Yes.

Q. And you would also check any move on his part that did not appear to be good practice, would you not, in the interest of justice? A. A. far as I could see, yes.



Q. That is right. How far could you see along that line? A. That is hard to answer.

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained. Strike out the question and answer.

Q. During the examination you were standing by Major Wheeless, were you not, while he was examining the witnesses? A. Yes.

Q. You know a man by the name of McDonald? A. Yes, sir.

Q. I refer to a lawyer by the name of McDonald who was identified with the Madison Square Garden controversy. A. I met him in the conduct of those cases.

Q. I understand you met him. But before you met him, when was the first time you saw him? A. I don't recall seeing him until he appeared in those cases.

Q. Well, now, when he appeared in those cases, when was the first time you saw him make his appearance? A. Pretty hard to tell definitely.

Q. Give us the benefit of your best judgment about the matter. A. I think the first appearance he made was in a case in the Night Court involving one of Jehovah's Witnesses, one of the young lads from Bethel. I have forgotten his name.

The Court: Arising out of the Madison Square controversy?

The Witness: Yes, sir, arising out of that controversy.

Q. Was he identified to you by any of your brethren? A. I don't remember.



Q. You do not remember? A. No, sir.

Q. Will you say that he was not identified to you by some of your brethren? A. No, I wouldn't.

Q. You would not? A. No.

Q. As a matter of fact, he was one of the ringleaders of the mob that invaded Madison Square Garden? A. I don't know.

Q. Did you ever hear that? A. Yes, sir.

Q. Who told you that? A. I don't remember.

Q. When did you hear it? A. I don't remember that.

Q. But he was identified to you as one who had invaded the Garden?

The Court: You have asked the question.

Mr. Covington: I withdraw the question and ask the apology of the Court.

Q. Was McDonald present at the preliminary examination of Mr. William P. Heath, Mr. Eugene Orrell and Mr. Alfred Calangelo, on July 11, 1939? A. I believe he was.

Q. That was the date of the preliminary hearing, was it not? A. I couldn't say. I presume so.

Q. What part did Mr. McDonald play in this proceeding? A. According to my recollection, he was counsel for—I can't remember his name—the complaining witness.

Q. Mr. Auffant? A. Yes, sir.

Q. Was he not a Special Prosecutor in that case? A. Yes, sir, I suppose he was. I don't recall.

Q. He was a Special Prosecutor against



Heath, Orrell and Calangelo, was he not? A. He was in the case. I really don't know whether you call him Special Prosecutor. If I remember correctly, a representative of the District Attorney's office was there.

Q. That is true of all cases in the Magistrate's Court, but he appeared there and participated in the preliminary examination, did he not?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained as to form.

Mr. Covington: Withdrawn.

Q. Did Mr. McDonald participate in the preliminary examination of any of the three defendants whom you have named, Heath, Orrell or Calangelo? A. Yes, I think he did.

Q. And as prosecutor, assistant to the prosecutor? A. Yes.

Q. During that trial, either before the examination began or after the preliminary examination was conducted, did you have any conversations with Mr. McDonald? A. Yes. There were a number of appearances, as I recollect it, and I had talks with him.

Q. Did you have a conversation with him with reference to a disposition of the cases? A. I don't remember that.

Q. You don't remember that? A. No, sir.

Q. I will ask you if it is not a fact that when you were there on July 11, 1939, the man had already been definitely identified to you as one of the invaders of Madison Square Garden controversy. A. I had been told that he was.



Q. You had been told that he was? A. Yes.

Q. Now, I will ask you the question: Is it not a fact that during that hearing you became familiar with him and while conversing with him patted him on the back and fraternized with him? A. Not during the hearing.

Q. Well, when was it, before or after the hearing, please? A. Before the hearing.

Q. What happened? A. Major Wheeless—This Mr. McDonald and myself had a conference concerning the case. As I recall it, we stepped out into the hallway and were discussing an adjournment and some other matters. Some joke was made by either Wheeless or McDonald, I don't remember which. We laughed over it and talked in a friendly manner.

Q. What was the joke? A. I don't remember.

Q. I would like to hear it, if you can remember it. Now, what were some other matters that you say you were discussing? You talked about the adjournment now. What were some of the other matters? A. That is the main thing I remember, is the adjournment.

Q. Do you remember that? A. Yes, sir.

Q. Can you remember some other matters? A. No, I don't remember.

Q. You cannot. Do you know a man by the name of Eugene Orrell? A. Yes, sir.

Q. Who is he? A. He is one of the Jehovah's Witnesses.

Q. And was he not one of the defendants in this matter? A. He was.

Q. Did you have any conversation with him prior to July 21, 1939? A. I did.

Q. Did you have consultations with him with

reference to the defense of his case, before the Court? A. I did.

Q. What was Heath, Calangelo, and Orrell charged with, please? A. They were charged with assault.

Q. What sort of assault? A. Well, I believe it was assault with intent to do bodily harm. I can't remember the exact words.

Q. What was Heath charged with? A. He was charged with assaulting this man Auffant.

Q. But what was the nature of the charge? A. That he assaulted him with a cane.

The Court: He wants to know the charge.

The Witness: I can't give you the technical term for the charge.

Q. Do you know what is known in the law as felonious assault? A. Yes.

Q. That is a serious crime, is it not? A. I understand it is.

Q. And a felonious assault is one that carries a penitentiary sentence, is it not? A. I believe so, yes.

Q. I ask you whether or not that is the charge that Mr. Heath was charged with. A. That helps my recollection. I think it was.

Q. As your recollection has been helped, you agree to that, is that right? A. Yes, sir.

Q. When was it that you discussed this matter with Eugene Orrell? A. Prior to the hearing. I can't give you the date and the hour.

Q. I will ask you whether or not that when you discussed Orrell's case and Heath's case and Calangelo's case with Eugene Orrell you advised him



to plead guilty. A. I did not advise him to plead guilty.

Q. You did not, on the occasion that you consulted with him prior to the hearing in court? A. I did not.

Q. I will ask you whether or not that after the preliminary hearing was concluded did you advise Mr. Orrell to plead guilty. A. I did not advise him to plead guilty.

Q. Did you tell anybody else that you advised Orrell to plead guilty? A. I did not.

Q. Did you write anybody a letter that you advised him to plead guilty? A. Not to my recollection.

Q. Will you say that you didn't write it? A. I don't think I did.

Q. You remember positively you didn't tell him to plead guilty? A. I am quite sure that I didn't.

Q. Can you remember positively that you didn't write a letter advising him to plead guilty? A. I am quite sure I did not write a letter.

Q. Now then, I will ask you, and I will reframe this question, did you discuss with Mr. Orrell the advisability of his pleading guilty? A. I don't remember doing that.

Q. Will you deny that you discussed it? A. Yes. I don't think I did.

Q. And that applies both before and after the hearing? A. That is right.

Q. Is there anything that you have testified to up to this moment that you want to change your testimony on? A. No.

Q. Take a look at your signature. A. That is it.

Q. What is it?



The Court: What date is that letter dated?

The Witness: September 2, 1939, addressed to Confehr.

Q. Who is Confehr? A. One of Jehovah's Witnesses living in Philadelphia.

Q. While you have got that letter in your hand, read it over. A. I have read it.

Mr. Covington: I offer it in evidence.

The Court: Will you look at it.

Mr. Bruchhausen: No objection.

(The letter was received in evidence and marked Defendants' Exhibit D-6.)

Q. Did you write Confehr a lie? A. I did not.

Q. Did you testify on the witness stand a lie? A. I did not.

Q. I refer now to Defendants' Exhibit D-6 which you have identified as your letter. A. That is right.

Q. Dated September 2, 1939. "Your letter came along in good season and we were much interested in its contents"—

The Court: Do you want to read the exhibit?

Mr. Covington: Yes.

The Court: Then read it.

Q. Well, before I will read it, and since you are a lawyer under oath to support the Constitution and tell the truth, I am going to give you an opportunity now to say whether or not you want to change your testimony.



Mr. Bruchhausen: I object to the question and ask that counsel be admonished.

The Court: The objection is sustained, and, counsel, you are forgetting that I am running this Court.

Mr. Covington: I am not trying to run the Court. I am trying to cross-examine.

The Court: I have been very tolerant and very patient because of the difficult issues involved. But I want no one to take advantage of it.

Mr. Covington: I am not trying to take advantage.

The Court: Please ask no further questions like that.

Mr. Bruchhausen: May I ask at this time that the letter be read?

Q. I am going to ask this question first. Do you want to change your testimony? A. I do not.

(Mr. Covington thereupon reads Defendants' Exhibit D-6 to the jury.)

Q. Now then, did you discuss with Orrell this matter of pleading guilty? A. To the extent stated in that letter.

Q. Well, now, that letter refreshed your memory about the discussion, and will you tell us what you said.

Mr. Bruchhausen: I object to the form of the question.

The Court: As to form, the objection is sustained.



Mr. Covington: I withdraw the question.

Q. Does the letter refresh your memory now with reference to the conversation? A. It brings it back to my mind, yes.

Q. Where was it? Where did the conversation take place? A. As I recall it, that conversation took place as we were walking from the court house back to Bethel.

Q. Did you have a conversation on the Saturday prior to Tuesday, July 11, 1939, with reference to the same matter? A. I don't remember.

Q. Who was your first attorney in this action that you brought?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Q. I will ask you whether or not you wrote a letter to your attorney basing the facts upon which this action was brought before it was instituted. A. Yes, sir.

Q. Did you sign a formal statement in that regard? A. I don't remember signing a formal statement.

Mr. Covington: May I have the letter or the statement?

Mr. Bruchhausen: Why, I object to any such thing. It is a confidential communication.

The Court: I won't make anybody give a statement to the Court.

Mr. Bruchhausen: I don't know that I have it.



Q. I will ask you why it was that during the trial of William P. Heath you gave to the enemy a copy of his confidential statement given you as a lawyer.

Mr. Bruchhausen: I object to the form of the question.

The Court: The objection is sustained as to form.

Mr. Bruchhausen: I ask that counsel be admonished for asking such a question.

The Court: Please don't ask such questions.

Q. I will ask you whether or not that on the hearing of William P. Heath before the Magistrate, while you were standing next to Major Wheeless, that you took from your file a statement signed by William P. Heath, whom you were representing, and offered that through Mr. Wheeless to the opposing counsel. A. I don't remember any such act as that.

Q. Did Major Wheeless in your presence hand the opposing counsel a confidential statement given to you as an attorney with reference to this matter? A. I don't remember any such act as that.

Q. Did Mr. Heath give you a statement? A. That I don't remember.

Q. Did you have a signed statement with you at the court? A. I don't remember that.

Q. Did you have with you a stenographic report of the oral statements made by William P. Heath to one of the secretaries to Judge Rutherford, with you at that hearing concerning the mob invasion of Madison Square Garden and the

assault upon him and others? A. I don't remember.

Q. That was directly involved in that case? A. I don't recall.

Q. What do you have in your hand? Turn around to the front of it. Hold the page there but turn to the front and see what it is. A. Well, it says on the front, "Felony Court, People on the complaint of Alfred Auffant versus William Heath, Jr."

The Court: Is that what purports to be the stenographic minutes of the hearing in the Magistrate's Court?

Q. Who does it show to be the attorney for the defendant at that hearing? A. For William Heath, Jr., Joseph Wheeless, O. R. Moyle.

Q. Turn to the pages—

Mr. Bruchhausen: Just a minute. There is no evidence here that there is a correct stenographic copy of the minutes and I have never seen the minutes.

The Court: I think if counsel tells you it is a transcript, you will accept his statement?

Mr. Covington: It is taken from the stenographer.

The Court: The Official Stenographer?

Mr. Bruchhausen: It is your own stenographer?

Mr. Covington: No, the Court Stenographer.

Mr. Bruchhausen: I mention that because when I asked these people on the



examination before trial, there was no evidence they had a copy.

Mr. Covington: You didn't ask for it.

The Court: Will you—

Mr. Bruchhausen: Is there any date as to when it was procured? When you got it from the Official Stenographer?

The Court: No, it wouldn't show.

Mr. Bruchhausen: Will counsel state as a matter of record when they procured those minutes from the Official Stenographer?

Mr. Covington: According to my information—I wouldn't want to state positively—

The Court: Your best recollection.

Mr. Covington: According to my information, it was between July 11th and September of 1939, and they were prepared and used in connection with the final hearing of the case before Special Sessions.

The Court: These minutes are dated, it is a hearing of July 11th.

Mr. Bruchhausen: And they have been in the possession of the defendant since that time?

Mr. Covington: Surely.

The Court: Have you any question as to the veracity of these minutes?

Mr. Bruchhausen: I haven't seen the minutes and I have no objection to counsel asking him his recollection about it.

The Court: I mean, do you want an adjournment to check the minutes?

Mr. Bruchhausen: I think we ought to



have a chance to read them over. I have never seen them.

The Court: The main thing is if you want him to prove they are official minutes I will give him an opportunity to do that.

Mr. Bruchhausen: I won't insist on that.

The Court: They were bought from the Court Stenographer?

Mr. Covington: That is right.

The Court: Will you accept his statement?

Mr. Bruchhausen: I will accept his statement.

The Court: Then proceed.

Q. Mr. Moyle, turn back a page or two.

The Court: He has the right page that you pointed out.

Q. Turn back a page and start reading that page you have in your hand and on down for the next two or three pages and see if that refreshes your recollection.

The Court: Are you going to question him at length about these minutes?

Mr. Covington: No, I am going to identify them and then offer certain portions.

The Court: Of course, the minutes will not be admissible. You may ask was that question asked and that answer made.

Mr. Bruchhausen: What was the question?

The Court: He is just asking him to read a portion. Would you like an adjournment to read the portion yourself?



Mr. Bruchhausen: I wasn't in at the trial. I am satisfied to have the witness read them, although, if your Honor please, as sometimes happens in these trials, picking out a small portion might not be descriptive of what happened. So for that reason alone I might take advantage of your Honor's suggestion of giving the witness a chance to read the whole record for something that transpired.

The Court: Also counsel for the plaintiff. I think it is only fair to take an adjournment to two o'clock. Will you let them have the minutes?

Mr. Covington: Indeed, I will be glad to do that.

The Court: Do not discuss the case and be here promptly at two.

Mr. Bruchhausen: May I just, before we leave, have it noted on the record that the letter of August 28, 1939, signed by Olin R. Moyle, to Mr. H. L. Philbrick and part of the Defendants' Exhibit U, has on the bottom in lead pencil, "Do Not Introduce."

Mr. Covington: That is some of the pencil markings and prejudicial.

The Court: We are going to take them out. The jury will please disregard it.

Mr. Covington: I ask the Court to instruct counsel not to make such remarks.

The Court: I certainly do. We have agreed that we would take all the exhibits and erase the underlining.

(Whereupon, an adjournment was taken until 2 p.m.)



AFTERNOON SESSION

Two o'clock p. m.

(TRIAL RESUMED.)

OLIN R. MOYLE, resumed and testified further as follows:

*Cross-examination by Mr. Covington (Continued):*

Mr. Bruchhausen: If your Honor please, in connection with this offer of alleged stenographic minutes, all we can say is that we have never seen the original, and we will accept them on the statement of the defendants' counsel that they are the minutes of the trial.

Mr. Covington: That will be done. I will so state.

The Court: You have stated that.

Q. Have you read these, please, the portion that I referred you to? A. I read that portion, yes, sir.

Q. Do you remember what page it was? A. No, I don't. There is a clip on it.

Q. Did you read pages 55, 56 and 57? A. Are those the pages that are marked?

Q. Yes. A. Yes.

Q. And does that refresh your memory as to what took place there? A. Very, very faintly.

Q. Do you remember during the examination of Mr. Heath, he was asked the question of "whether or not a stenographer took down word for word what was said, is that right"—talking about the conference before Judge Rutherford, "A. Certainly, I made a statement.



"Q. To whom did you make that statement? A. I made the statement to a stenographer who took the matter down.

"Q. In whose office was that? A. That was in the office of which I am secretary."

That was the president's office, was it not? A. Yes.

Q. "Q. Will you tell us whose office that was? A. The secretary to the president of Judge Rutherford.

"Q. And where is that office located? A. 124 Columbia Heights, Brooklyn.

"Q. Do you know whether that statement was transcribed or whether it was typed? A. Yes."

These were questions by the District Attorney, were they not? A. I believe they were.

Q. And without any request whatsoever, Mr. Wheeless hands Mr. Portez the transcript of Mr. Heath's statement before Judge Rutherford, and then Mr. Portez continues:

"Q. I show you this statement and I ask you whether that is a true copy of a statement that you made." And Mr. Heath answered "Yes."

"Q. May I see it, please? A. Yes.

"Mr. Portez: Any objection?

"Mr. Wheeless: Not at all."

You heard that? A. I don't recall hearing it, but if the record says that happened, I would not dispute it.

Q. And you did not object to that, did you? A. I don't remember making any objection.

Q. It says "Not at all." And then the answer—

Mr. Bruchhausen: That statement was made by Mr. Wheeless.

Mr. Covington: Yes, that is understood.

Q. Mr. Portez looked over the statement. "You are under no duty to give him that statement," the Court says to Mr. Wheeless.

"Mr. Wheeless: I don't hear you.

"The Court: You are under no duty to give him that statement.

"Mr. Wheeless: That is all right. I believe in putting my cards face up on the table.

"The Court: Is there any statement contained in the statement made by this witness as an attack by the wife of the complaining witness in this case?

"Mr. Wheeless: I think so.

"The Court: Go ahead.

"Mr. Portez: That is all."

That did take place, didn't it, Mr. Moyle? A. I would not question it.

Q. You would not question it? A. No.

Q. And you were counsel in that case, were you not, please? A. I was.

Q. Do you recall that Mr. Heath made such a statement, a copy of which was in the possession of Mr. Wheeless? A. I do not recollect that.

Q. As a lawyer, you know that usually a lawyer wants to know some facts before he goes to court, doesn't he? A. I wouldn't question but what such statement was made.

Q. But that it actually was in your possession



and Mr. Wheeless' possession at the time? A. I would not question that.

Q. After the hearing was over on July 11, 1939, did you have a conference with Judge Rutherford that day or any day following that? A. I believe I had a conference. I could not recall the day.

Q. Was it that day or some day subsequent? A. I do not remember.

Q. Well, you were naturally interested in reporting the matter to Judge Rutherford, were you not? A. I was.

Q. As to what had happened. A. Yes.

Q. Do you recall what you said between you and Judge Rutherford the first time you got together after the July 11th hearing? A. I do not.

Q. Did you ever state to anyone that you disliked representing Mr. Heath and Mr. Orrell? A. I never made any such statement.

Q. Did you dislike representing them in this case? A. I did not.

Q. Did you ever state to anyone that Mr. Heath was lucky to get off? You know he was acquitted, do you not, by the lawyer who took the case over afterwards, do you not?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Q. Did you ever make a statement to anyone that Mr. Heath got off light in this matter? A. I don't remember that I did.

Q. Did you ever make a statement that he was lucky? A. I don't remember ever making such a statement.



Q. Did you ever indicate that Mr. Heath was, in your opinion, guilty? A. I don't remember that I ever did.

Q. Did you ever intimate to anyone or tell anyone that Mr. Heath ran up three flights of stairs with the intention of cracking some people over the head? Did you make that statement orally or otherwise? A. That statement was made to me one time—

The Court: No, the question was whether you made that statement. I assume, counsellor, this is all foundation for something that is to come?

Mr. Covington: Yes.

Q. But you never did make that statement to anyone orally? A. I don't remember making it.

Q. Did you make a statement in writing to your attorneys or to anyone else? A. I don't recall.

Q. If you did make such a statement, would you remember having made it? A. I can forget lots of things. I might not recall it if I did.

(Paper handed to witness.)

Q. What have you in your hand? A. I have a letter dated October 30, 1939, with the salutation "Dear Brother Confehr," signed "Olin," my name.

Q. Did you read it over? A. Yes.

Q. Does that refresh your memory? A. That does.

Q. What does it say? A. It says that Heath was lucky.



Mr. Covington: We offer it in evidence, please.

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit D-7.)

Q. Do you want to change your testimony now? A. To that extent. That refreshes my recollection. I did make that statement.

Q. That Mr. Heath was lucky? A. Yes.

Mr. Bruchhausen: May we have the letter read at this time?

Mr. Covington: I will read it.

(Mr. Covington reads Defendants' Exhibit D-7 to the jury.)

Q. You were familiar with the arrangements made for the holding of the convention, were you not, at Madison Square Garden, of Jehovah's Witnesses for the year 1939, on or about June 25th of that year? A. To some extent.

Q. You were familiar with the preparations made for the holding of that convention, were you not? A. To a limited extent, yes.

Q. You were in on the confidential arrangements for the preparation thereof, were you not? A. Not all of them, no.

Q. Not all, but some? A. Yes.

Q. You knew, did you not, that threats had come from the Coughlinites to break up the meeting?

Mr. Bruchhausen: I object to the question. I do not see how this is an issue in this proceeding.



Mr. Covington: I am going to show the relevancy later, your Honor. I promise to do that.

The Court: We will take it subject to connection.

Q. Do you remember going to the Captain of the Police in the precinct where Madison Square Garden is located with Mr. Heath and Mr. Knorr? A. Yes.

Q. What did you go up there for, Mr. Moyle? A. We went there for the purpose of securing police protection for that meeting.

Q. And based on what? Why did you go there? A. As I recall it, Mr. Heath informed the Captain while we were there that they had received information that the Coughlinites, so-called, were going to create trouble.

Q. Had you heard that before Mr. Heath told the Captain? A. I believe so. I am not sure.

Q. What arrangements were made by the Captain after the conference was over? A. If I remember correctly, the Captain said that he would furnish officers for the outside but not on the inside of the building.

Q. And these facts concerning the threat to break up the meeting were made known to such police, were they not? A. They were.

Q. Did they advise that as to protection on the inside, the Watch Tower would have to arrange for its own protection of the Garden? A. I think something of that sort was said. I do not recall clearly.

Q. In substance, that was the arrangement, was it not? A. Yes.



Q. When you left them, you knew that you and Mr. Heath and Mr. Knorr and others would have to arrange to protect the Garden assembly, did you not? A. Yes.

Q. Arrangements were made to take such protection precautions, were they not? A. Yes.

Q. And what arrangements were made? A. Ushers were placed about the building, numerous ushers, each one armed with a cane.

Q. That is a walking cane, is that not correct? A. Yes.

Q. You were there when the riot, that is, the attempt at riot took place, when the Coughlinites invaded it, were you not? A. I was there.

Q. And you heard the difficulty, did you not? A. I did.

Q. And the ushers quelled the difficulty, did they not, and put the Coughlinites out? A. To the best of my information, they did.

Q. Based on your information as an attorney, that is true also, is it not? A. Yes.

Q. Did you have any difficulty with anyone with reference to the precautions taken and the means taken to protect the assembly? Did you object to the ushers having canes to protect themselves against the mobsters? A. I did not object.

Q. You did not object? A. No.

Q. Did you ever make a statement to anyone that you did? A. I believe I said at one time that I did not think the canes were necessary.

Q. When was that? A. I don't recall.

Q. Was it before or after? A. I don't recall.

Q. And to whom did you make that statement? A. That I don't remember.

Q. I hand you Plaintiff's Exhibit 4 and ask you to look at it, please (handing to witness).

The Court: That is your letter to Mr. Rutherford?

The Witness: That is right.

Q. When was that letter written? A. Shortly before July 21st.

Q. Shortly before? A. Yes.

Q. On what day? A. I don't remember.

Q. Was it one or two days before or three days or four or five? A. I don't remember.

Q. The day that you wrote it, was it the day you delivered it also? A. No.

Q. How come you to date it July 21st? Was that your plan, to deliver it on that day? A. It was.

Q. And you don't recall what day it was? A. No.

Q. Nothing to refresh your memory by? A. No.

Mr. Bruchhausen: I am confused—

The Court: He does not recall what day he wrote it.

Mr. Bruchhausen: There is no question it was delivered on the 21st?

Mr. Covington: No, there is no doubt about that.

Q. Was the writing of this letter prompted by the difficulty that you had with reference to the Madison Square Garden matter? A. Not at all.

Q. It had nothing to do with it? A. No.

Q. You mean there was no discussion between you and Judge Rutherford and Mr. Heath or



anyone else that prompted you to take this action and write the letter? A. No. That was the result—

The Court: The answer is "No."

Q. In this letter you state that the treatment received by you from Judge Rutherford was generally kind, considerate and fair, is that true? A. That is true.

Q. And does that apply for the whole time that you were there? A. It does.

Q. I notice here that you complain of the ill treatment of the Bethel Family. You were a member of that family? A. I was.

Q. And who was the head of the family? A. He was.

Q. Judge Rutherford A. Yes.

Q. That statement of ill treatment of the Bethel Family did not include you and your family, did it? A. No.

Q. As far as you and your family are concerned, you had generally kind and considerate treatment, is that correct? A. That is right.

Q. You had satisfactory accommodations there, did you not, at the home? A. We did.

Q. And you never had any cause to complain about that, did you? A. No.

Q. About the accommodations? A. No.

Q. You mention in here, I believe, Mr. Woodworth and Mr. Van Sipma and Mr. Ness and others as having been what you termed trimmed publicly, that Mr. Woodworth was called a jackass, and that MacAulay and McCormick and Knorr and Price and Van Sipma and others had been scolded and upbraided severely and



publicly reprimanded; is that true? A. That is true.

Q. Did any of these individuals ever come to you and complain to you about that? A. They did not.

Q. They did not? A. No.

Q. Did they ever object to you concerning the correction that they received from Judge Rutherford as head of the Family? A. One of them told me that he certainly did not like receiving that kind of treatment.

Q. And who was it? A. Nathan Knorr.

Q. And when was it? A. I cannot recall the exact time; some time during the time we were there.

Q. And where was it? A. In my office.

Q. Was it before or after the Madison Square Garden difficulty? A. I think it was before.

Q. And it was not with reference to anything that happened at Madison Square Garden?

The Court: Now, counsellor, he said it was before.

Mr. Covington: I am sorry.

Q. Did you ever have any complaint against the manner and method in which the Watch Tower studies were conducted prior to the time that you left Bethel? A. Not personally.

Q. Not personally? A. No.

Q. And were they satisfactorily conducted in your estimation? A. Well, I could see ways in which they could be improved.

Q. Did you ever suggest those means of improvement? A. No.

Q. In your letter, you mentioned the Madison



Square Garden difficulty, did you not? A. Yes, sir.

Q. And that, then, did have some effect upon you, did it not? A. Purely as to the treatment of the ushers by Mr. Rutherford.

Q. What ushers? A. Some of the ushers.

Q. Which ones? A. I beg your pardon. There was general complaint concerning the ushers by Mr. Rutherford, and George Hannan was one of them.

Q. What else? A. There was complaint against Knorr, too, if I remember right.

Q. And what else? A. There were others, I cannot recall their names.

Q. You say in here that they were labeled as "sissies." Is that what they were called? A. That is what Mr. Rutherford labeled them at the table.

Q. Labeled Mr. Knorr and Mr. Hannan? A. The ushers in general at the Madison Square Garden meeting.

Q. Did he label Mr. Knorr and Mr. Hannan as "sissies"?

The Court: Do you mean specifically or generally?

Mr. Covington: Specifically.

A. I don't recall his labeling them so specifically.

Q. Did Mr. Knorr and Mr. Hannan ask you to complain and protest to the Judge in their behalf? A. They did not.

Q. What was the position of Mr. Knorr at the time that you registered this complaint in



this letter in his behalf? A. He was what is called the office servant.

Q. And what office did he occupy in the corporation, the Watch Tower Society? A. He was, I believe, vice president of the New York Corporation.

Q. You state in here regarding discrimination on the part of the Judge to his own self against the other members of the Family. Just what are the facts upon which you base that? A. Well, upon observation and upon what I heard.

Q. Upon what you heard in the home or from the outside? A. Both, I believe; general knowledge.

Q. At the time that you wrote this letter of July 21, 1939, not what you heard afterwards, but prior to that and when you wrote the letter, will you give us what facts you had knowledge of? A. Well, the facts are mentioned in the letter. His accommodations on the seventh floor, his air-cooled room, compared with the quarters under which the boys worked in the factory, compared to the quarters which the farm lads had out on the farm. I thought that was discrimination.

Q. Did you ever see the inside of the Judge's quarters on the top floor of 124 Columbia Heights? A. Just his office.

Q. Did you object against his having an office? A. Not at all.

Mr. Bruchhausen: I object to the question.

The Court: It is already answered.



Q. What part of his quarters did you object to as being discrimination?

Mr. Bruchhausen: Does counsel mean what he is objecting to in the letter?

Mr. Covington: Yes, in the letter, that is what I am talking about.

A. The information I had was that he had practically the entire upper floor. I never saw the rooms outside of the office rooms, but from the size of the building, those were large, commodious quarters. The boys in the Bethel, especially those at the farm, if I remember right, had very small rooms and they were unheated.

Q. Mr. Moyle, what room did you occupy in Bethel? A. I had a good room on the sixth floor.

Q. And what was the number? A. That I don't remember; six hundred and something.

Q. Does it face out over the East River or on Columbia Heights? A. It does.

By the Court:

Q. Which? A. Faces over Columbia Heights—I beg your pardon, over the river. It faces on the river.

By Mr. Covington:

Q. You don't know what size room the Judge had, did you? A. No, I don't.

Q. As a matter of fact, you have been in the other rooms of Bethel outside of the one that you occupied, didn't you, Mr. Moyle? A. That is right.

Q. Were you complaining of the rooms that

the boys in Bethel had as compared to that occupied by the Judge? A. It was primarily those up at the farm.

Q. Did you mention that in your letter here? A. I think that is mentioned here.

Q. You were confining the quarters of the Judge to a comparison with the boys at the farm, is that correct? A. If I remember correctly the terms of the letter, I think it was.

Q. But you do not charge the Judge then with discriminating against the accommodations to the members of the family at Bethel, do you? A. No.

Q. In regard to his quarters? A. No, except, I don't know as the letter states it, it could be a discrimination in this: That large and commodious quarters given to the one as compared to the others is a discrimination.

Q. Mr. Moyle, the room that you occupied there at Bethel was much larger than the room the boys at the farm occupied, was it not? A. That is right.

Mr. Bruchhausen: I object to the question. There was no complaint made by Mr. Moyle—

The Court: The objection is sustained. Strike out the answer. Exception to the defendants.

Q. The letter that you wrote did not base the discrimination over the conditions at the farm, did it, when you get right down and consider the paragraph?



By the Court:

Q. Would you like to see the paragraph? A. Yes, I would.

(Mr. Covington hands paper to the witness.)

The Witness: Yes, that does complain primarily as to the discrimination between the president of the organization and the quarters given to the boys at the farm.

By Mr. Covington:

Q. When was the last time that you visited the farm prior to the time that you wrote the letter? A. The preceding spring or winter, I believe. I am not sure.

Q. Did you not know that at that time the farm accommodations were just ordinary farmhouses up on the farm that had been bought some time prior to that, did you not know that? A. The farm accommodations were not of that type then.

Q. What type—just describe these rooms and the houses that you say that you observed. How many rooms did you go into, how many of the boys' rooms did you visit at the farm? A. There was a large building which was occupied by most of them, I understand—

Q. I am asking you based on your knowledge, Mr. Moyle.

Mr. Bruchhausen: May I object on the ground that the letter says "I am informed"?

The Court: I will let him answer if he knows. He says he was through the farm. You may answer, if you know.



A. It was a large building there, and in the second story of it, there was a large hallway which was heated, rooms to each side of the hallway, as I recollect it. The rooms were small. There was no heat in the rooms.

By Mr. Covington:

Q. Were there any stoves in the room? A. No—

Q. Did you go in all the rooms? A. I did not.

Q. How many rooms did you go into? A. I think there was a couple that I was in.

Q. Whose rooms? A. I don't know the names. I slept in one room myself, and I don't know the name of the brother whose other room I was in.

Q. But one room was unoccupied and you slept in that? A. That is my recollection.

Q. And the other room was some brother you visited. Did you visit him at night time or under what conditions did you make your visit? A. He called me in there to ask me some questions. I don't remember what time of the day it was. It was a small room, had a bed there, a couple of trunks. I don't recall any other furniture.

Q. Did you see any dresser? A. There may have been a small one, I don't remember.

Q. What size room was it? A. I couldn't give you the dimensions.

Q. If it struck you as cause for complaint, surely you could express some sort of an opinion on that, could you not? A. It was small enough so that with the bed and two trunks and I believe this small dresser, there was precious little room, not much room to spare to go around.

Q. Could you get in and out? A. Oh, yes.



Q. Were there chairs in the room? A. I don't remember any.

Q. Any other furnishings other than those you have mentioned? A. That is all that I recall.

Q. And you do not remember the name of this individual? A. No, I don't.

Q. Under the heading "discrimination" your counsel states that you made that paragraph based on what you had been informed (handing to witness). Do you see anything in that paragraph that indicates that you based that upon information? A. Not that particular item. There is a part of that paragraph based on information.

Q. But not as to the farm conditions though, is it? A. That is part of the farm conditions, yes.

Q. What farm conditions do you refer to?

Mr. Bruchhausen: "I am informed that even at the Kingdom Farm."

Mr. Covington: I understand.

The Court: The exhibit is in evidence. It speaks for itself. We will have no comments on it.

Q. But the part with reference to the boys' accommodations, you did not base that upon information, did you? It is the part in reference to where the Judge stayed that you base that on information, is that right? A. That is right.

Q. But as to what you saw as to the boys' conditions, that is based on your own knowledge, is it not? A. That is right.

Q. And did you go into and see the house, what you were informed to be Judge Rutherford's house? A. I wasn't in it.



Q. You don't know what sort of accommodations were in that, do you? A. I don't know what is inside.

Q. You state in the letter next about discrimination in reference to marriage. What facts do you base that on, please? A. That is based upon an account given to me concerning one Eddie Broad. He was a worker there at Bethel—

Q. When was that? A. During the time we were there. I don't remember the year. He got married. He had to leave Bethel in so doing, so I was informed, and I heard that he asked for pioneer territory in Brooklyn—

By the Court:

Q. He is the man that you mentioned in the letter? A. Yes, that is right, he is the one I mentioned.

By Mr. Covington:

Q. Anybody else? A. I don't recall any other.

Q. How about your son? Was there any complaint on your part about your son to get married? A. No. If he wanted to get married, that was his affair.

Q. But the point I am getting at is, did you know that he was going to get married when he left Bethel? A. Yes.

Q. The only information you base that upon is the one individual, nobody else, is that right, prior to the 21st day of July, 1939? A. That is right.

Q. And you make complaint in here about Bonnie Boyd? A. That is right.

Q. What have you to say about that? A. The



point I made in the letter was the discrimination as between her and this other brother, Eddie Broad.

Q. Did he mention the name of Bonnie Boyd to you? A. Who?

Q. Eddie Broad. A. No.

Q. Did you discuss with him the fact that the Judge had discriminated against him— A. I did not.

Q. (Continued) —and in favor of Bonnie Boyd? A. I did not.

Q. What did you discuss with him then? A. I did not discuss with Eddie Broad.

Q. Where did you learn about the facts of his case? A. I don't remember who told me. As I recall it, it was sort of general knowledge at the time.

Q. And were you there when he got married? A. I was there when he left.

Q. I believe you state that the Judge discriminated in her favor because she was permitted to marry and bring her husband into the Family, is that correct? A. I think that is what the letter says.

Q. And that in doing that, he violated one of the rules of the home, is that correct?

The Court: The letter speaks for itself. You may read it.

(A booklet is handed to the witness.)

Q. What do you have in your hand, Mr. Moyle? A. It is a booklet marked "Bethel Home Rules and Regulations."

Q. When did you first see one of those booklets? A. I think we were given one when we got there.

Q. And you read one of them and agreed to comply with them? A. That is right.

Q. When you went there, did you have any objection to any of the rules? A. No.

Q. Do you have any objection to the two rules there in reference to marriage? A. No, I have no objection to the rules.

Q. You say that the Judge violated one of the rules in the case of Bonnie Boyd, is that correct? A. The point I made was there was a discrimination.

Q. He discriminated? A. Yes.

Q. What facts do you base the discrimination upon? A. On the information as given, that the one person married was allowed to bring her partner into the organization, and the other person married had to leave, and was not even permitted to do pioneer work in that locality.

Q. You were married when you went there, were you not, Mr. Moyle? A. I was.

Q. And do you figure that they discriminated against you when you went there?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. Read and refresh your memory on the two rules pointed out in respect to marriage. A. I have read them.

Q. Do you see the first rule, Paragraph 54? A. Yes.

Q. What does it provide? Do you know its provisions now? A. I could not state them all.

Q. Will you read—

Mr. Bruchhausen: May I make an objection, your Honor?



The Court: Objection sustained, because, as I understand it, his claim is that it is a discrimination.

Mr. Covington: Yes, but he alleges here that it is a violation of one of the rules in the letter, and I am trying—

The Court: May I see it?

Mr. Covington: Yes (handing to the Court).

Mr. Bruchhausen: It has both of them in, so I will withdraw the objection.

The Court (addressing Mr. Covington): You are right.

Q. Will you familiarize yourself with Rule No. 54? A. I read it.

Q. And what does it provide? A. Any person may get married any time they may desire, according to the rule. Whether or not such person remains there depends on the consent of the president.

Q. Go ahead and read the entire thing. A. Unless the consent of the president be first had and obtained. That is the substance, as I understand, of 54.

Q. Will you read the entire thing? Doesn't it provide that the president—

The Court: Let him read it into the record.

Q. Read Paragraph 54 in its entirety, please, as well as Paragraph 55.

The Court: Paragraph of the rules—

Mr. Covington: Of the rules for the home.

The Court: Read Paragraph 54.



A. "Paragraph 54: Neither the management of the Bethel Home nor the Society has any desire or disposition to put any restrictions on persons marrying. It becomes necessary, however, to have some rules governing the marriage of those living in the Home in order that the Society may have absolute control of the Home and those who reside there. Any person residing in the Bethel Home may get married to another person at any time he or she may desire. With this the management of the Home has nothing to do. Whether or not such person remains a member of the Family will be entirely a different matter. It will be out of order for any Brother residing in the house to marry someone and bring her into the Home unless the consent of the president be first had and obtained.

"55: Where a Brother and a Sister have been residents of the Bethel Home continuously for a period of five years or more and such Brother and Sister agree to marry, they may do so and continue at their jobs of service in the Bethel Home, provided the consent of the president be first had and obtained. It shall not be necessary generally to obtain the consent of the president as to whether or not he or she can marry, but the consent of the president first must be obtained as to whether or not they can remain in the home and continue as members of the Family or office force."

Q. Do you tell the jury that the Judge was not acting under his authority conferred upon him by those two rules when he acted on both of these cases that you mentioned? A. I would



gather that the Judge was acting within his authority.

Q. Don't the rules confer discretion upon him to determine whether or not one shall remain or not? A. They do.

Q. You are not telling the jury that Bonnie Boyd did not obtain the consent of the president before she got married, are you? A. I don't know, but I presume she did.

Q. Do you charge the Judge with discrimination because he exercised his discretion under the rules? A. No.

Q. You do not? A. No.

Q. In your letter—could you tell me the full name of the individual that you mentioned about whom complaint had been made concerning marriage? What was his last name? A. Broad, I think it was.

Q. B-r-o-a-d? A. I think so, yes.

Q. And what was his first name? A. I think it was Eddie.

Q. You mentioned also concerning the accommodations that were provided for Judge Rutherford at Staten Island. Are you familiar with those accommodations of your own knowledge? A. I have not been in his rooms.

Q. You have not? A. No.

Q. All he had was a room in Staten Island, is that correct? A. I don't know that.

Q. Have you ever been at the Home on Staten Island maintained by the Watch Tower Society? A. I have been there, yes.

Q. Have you been on the inside? A. In part of the building.

Q. Have you been to the Judge's room? A. No.



Q. Are you complaining because he had a room there? A. No.

Q. What do you register your complaint on, that he had a room at Staten Island, in your letter?

Mr. Bruchhausen: If your Honor please, I say it speaks for itself. It says "You have many homes, to wit." It is the number of homes that the letter speaks of.

The Court: I will let you ask him the question. I think it does speak for itself, but you may ask him.

Q. What facts do you base that upon? A. That is the point. I referred to the fact that he had many homes, in Staten Island, up at the farm, Bethel, and other places mentioned as—

Q. Are you familiar with the fact that Judge Rutherford, as President of the Society, was obligated to attend to the Society's business which required him to travel? A. Oh, yes.

Q. And it also required him to travel to the farm to inspect and to attend the construction and the improvements there, did it not? A. That is right.

Q. Did it not require that he also travel to Staten Island and attend to his duties there? A. I presume so.

Q. And did it not require that he travel to the West Coast and attend to his duties there in the wintertime? A. I don't know. I suppose so.

Q. You were with the Judge for five or more



years, were you not, about five years? A. About four years.

Q. And, of course, you knew that the Judge was in very poor health, did you not? A. It wasn't good health, no.

Q. Not good health, and you knew he had one lung, didn't you? A. No, I did not know that.

Q. Did he ever tell you? A. No, he did not.

Q. Did you know that the doctor's orders required that he not—

Mr. Bruchhausen: I object to this.

The Court: He said he knew he was not in good health.

Q. Do you know or did he ever state to you that in the wintertime—

Mr. Bruchhausen: I object, because this is getting in something—

The Court: Is this something that has to do with the Judge's health?

Mr. Covington: No, your Honor.

Mr. Bruchhausen: Then I withdraw the objection.

Q. Do you know why it was necessary that he have a place in California to stay?

Mr. Bruchhausen: I object.

The Court: I will let him answer. Do you know why?

The Witness: I do not.

Q. Mr. Moyle, why was it that you charged that the Judge discriminated there in reference to having places to stay at these localities? Do you object that he had a room at Bethel? A. Not at all.

Q. Did you object that he had a room at Staten Island? A. No.

Q. Did you object that he had a room at the farm? A. No.

Q. Did you object that he had a place to stay in in California? A. Not a place, no. The point of the objection was that the claim was made that all in Bethel were on a par, were equal, we were all alike, we were all Brethren, there was no boss, no one had rights any better than the others. The point I was making was of discrimination, that he had many places, not just a room; a whole house, and from what we heard, a very commodious one in California, whereas some of those boys, especially at the farm, had dinky little rooms and without heat. That is the point of the discrimination.

Q. You knew that the Judge always had a big office force that went with him everywhere he went, don't you? A. I would not call it a big office force.

Q. He had his office force go along with him, didn't he? A. Yes.

By the Court:

Q. How many were there? A. I don't know how many went with him.

By Mr. Covington:

Q. You know there were three or four? A. I knew that was the case some of the time.

Q. And sometimes five and six? A. I don't know that.

Q. You know that they have got to have some



place to stay when they go with him, don't you? A. I presume so.

Q. Are you objecting that they had a place to stay where the Judge went? A. No.

Q. Was the Judge's the only air-conditioned room in Bethel? A. No.

Q. Have you ever been in the treasurer's office at Bethel? A. Yes.

Q. Whose office is that? A. W. E. Van Amburgh.

Q. He is one of the defendants in this case, is he not? A. Yes.

Q. Do you know also that his office is equipped with air-conditioning equipment because it is in the basement? A. I believe I remember that.

Q. Do you also know that he had air-conditioning long before the Judge had it? A. No, I don't know that.

Q. Do you also know that the reason that the Judge had to have air-conditioning was on account of the fact that his room was right near the roof of Bethel and it was very hot in the summer time on account of the heat? A. I don't know that.

Q Don't you know that the floor that he occupies in the top floor and that the roof is low? A. I do know that.

Q. And the west sun comes in in the afternoon? A. That is right.

Q. Well, were these facts brought to your attention when the Board of Directors met on August 8th?

Mr. Bruchhausen: I object. There is no evidence that these are facts that are asked in the question.



The Court: The objection is sustained as to form. I think the question is too indefinite.

Q. Do you know whether or not other people lived in California in the home that was occupied by the Judge and his office force and used as his office? A. I heard there was a family living there.

By the Court:

Q. Do you know? A. I don't know.

By Mr. Covington:

Q. Did you know about the Shorts who used to be at Bethel, Clayton and his wife? A. I remember him.

Q. You remember him and his wife? A. Yes.

Q. Do you know they were sent out to California to live in the Judge's place? A. I heard they were.

Q. Do you know that other people live at Staten Island, quite a number of people live at Staten Island that are a member of the small Bethel Family there, don't you? A. That is right.

Q. About how many? A. I don't know.

Q. Are you telling the jury that the Judge had better accommodations there than the other folks that stayed at Staten Island? A. I don't know.

Q. Are you telling the jury that the Judge had better accommodations in California than the other members of the Bethel Family there had?

Mr. Bruchhausen: I object to the question.



The Court: "Telling to the jury." Objection sustained.

Mr. Covington: I will strike that out.

The Court: Do you state.

Q. Do you state that the Judge had better accommodations in California than the other Brethren that lived with him there in California? A. I don't state that.

Q. You don't state that? A. No.

Q. Are you telling the jury that the Judge—

The Court: No.

Mr. Covington: I beg your pardon.

Q. Will you state then that the Judge had better accommodations at Bethel than the other Brethren at Bethel? A. From what I heard, I believe he did.

Q. What you heard—

Mr. Bruchhausen: If your Honor please, I don't know whether he is asking about what he stated in the letter or—

Mr. Covington: I am trying to.

Mr. Bruchhausen: I still say that the statement in the letter as I read it is the many homes.

The Court: As I see it, it is up to the jury.

Q. Did you think that the Judge should air-condition the factory? Are you complaining because your office was not air-conditioned? A. No, sir.

Q. Were your accommodations satisfactory at the office? A. They were.



Q. Were they satisfactory at the Home? A. Yes, sir.

Q. Did you hear any of the boys complain about the conditions under which they worked at the factory— A. No.

Q. (Continued) —as compared to that with the Judge? A. No.

Q. You next mention the matter of filthy and vulgar language at the Bethel table. A. Yes.

By the Court:

Q. Would you like to read it? A. Yes.

(Paper handed to the witness.)

The Witness: I have read it.

By Mr. Covington:

Q. What facts do you base that on? A. My recollection isn't very good at this length of time. I don't recall all of the items. Things coming in in the way of comments and statements at the tables which, to my mind, were out of place in a Christian organization. I will refer to one case where the defendant Howlett at the table went out of his way to give a story or an illustration of the clergy of denominations to get in the words "Son of a bitch" concerning them.

Q. You mean he used that word at the table? A. I do, yes.

Q. When was that? A. I cannot give you the exact date. It was some time during my residence there.

Q. What year was it? A. I think it was during the third or fourth year I was there.

Q. That would be 1938? A. 1937 or 1938 or



1939, somewhere along there. I cannot remember the year.

Q. Was it at the breakfast or dinner table or supper table? A. I believe it was at the dinner table, but I wouldn't say for sure.

Q. Outside of that, can you remember of any other instance? A. There were little items concerning an article in the "Watch Tower" in which the Catholic church was described as a harlot. At the table in the discussions on that, there were references made to the harlot in a joking manner which carried the implication that it applied to women of evil reputation.

Q. What else? A. I can't recall other specific instances. There were others, and I believe as stated in my letter, as one of the women said one time when someone had made some statement, asked whether that was something you had to get used to. That was the statement she made, but I don't recall what the statement was.

Q. Who made that statement? A. Mrs. Howlett.

Q. She said this to you? A. To the group of us.

Q. Where was that? A. Going up in the elevator, if I remember correctly.

Q. Who was present? A. I was there, my wife was there, and she was there, and a number of others. I don't remember who the others were?

Q. You don't remember who the others were? A. No, sir.

Q. In the last sentence, "The loudest laughter at the table comes when a filthy or near filthy joke goes through and your skirts are not clear."

Tell us about that? A. That is my recollection at that time, that that was the case.

Q. What is your recollection now? A. The same.

Q. When was it that you heard filthy or near filthy jokes go through the Bethel table? A. Well, as I said a minute ago, I don't recall other specific instances. That one, the case of Howlett, and his reference to the Clergy in that manner is one. I can't recall the other specific ones.

The Court: You mean it was general? Is that what you are trying to tell us?

The Witness: I wouldn't say it is a continued practice. Those things just happened.

Q. Did you hear anybody else use that expression at the Bethel table? A. I don't think so.

Q. Did you ever hear anybody else use any similar expressions at the table that would come within that category that you have described in these paragraphs? A. I don't recall other specific ones.

Q. Did you ever hear the Judge do that at the table? A. Not at the table, no.

Q. You are talking about the table there, aren't you? A. That is right.

Q. It is only the case of M. A. Howlett that you mention? A. That is all I recollect now and the other instance.

Q. You had other instances when you made this letter up? A. There were some, yes, sir, but I can't recall them now.

Q. You can't recall them now? A. No, it is several years ago.



Q. And that the only objection that you had therefore was when Howlett referred to that as the son-of-a-bitch? A. How is that?

Q. What did he describe as the son-of-a-bitch? A. He used the expression as applicable to Clergy.

Q. As applicable to the Clergy? A. Yes.

Q. And you are familiar with the bible, aren't you? A. To some extent.

Q. That religion is referred to whoredom or harlotry in the bible? Do you not know that? A. I don't recall a specific phrase of that sort, no.

Q. You know that it is the unfaithful religious organization as such that I refer to as harlotry in the bible, as a bible scholar? A. I believe there are some references that might be interpreted that way.

Q. Do you object to the use of the word "harlotry" or "harlot" in the bible? A. Not at all.

Q. Or "whore" as it is used? A. Not at all.

Q. You make objections, though, when it is found in the Watch Tower publications you mentioned a moment ago, is that correct? A. No, I did not object to it being found in the Watch Tower publications.

Q. Why didn't you object to it? What is the difference? A. There is a difference in the mode of expression of a thing and its use. You can use the term "harlot" even with reference to religious organizations, a false religious organization. But use it in such a manner that your listener will get the idea of it referring to a woman of bad reputation—

Q. You mean some natural woman? A. Yes, not a specific one, but to natural women, yes.



Q. And do you object to that? A. I do. That is where it is made in the line of joking and of bringing in that kind of a joke. It is a mere smut, to my mind.

Q. Is it not a fact that you on several occasions have not only publicly in speeches but also in writings that have been circulated from one end of the Nation to the other made the same charges that you now complain against concerning the use of the word "harlotry" to unfaithful religious organizations? A. I have used it concerning unfaithful religious organizations, but never as a joke.

Q. Never as a joke? A. Not to my recollection.

Q. The distinction is that if you use it as a joke that is bad? A. When you use it as a joke in the presence of an audience of people, and a mixed crowd of men and women, referring to the relationship between men and women, mixing the two together in a joking manner, then, to my mind, you are getting what we call mere smut.

Q. Well now, in your letter you state that this is a practice at the Bethel table, is that correct? A. Well, it is something which happened at different times when we were there, and from that angle I would say it is a practice.

Q. You cannot remember but one instance, can you?

Mr. Bruchhausen: Do you say that the letter says, "a practice"? I don't see it.

The Court: Let us have no controversy. The letter has been read to the jury and it speaks for itself.



Q. You have referred to the Roman Catholic hierarchy, have you not, and other religious denominations in the same manner that you objected to the Watch Tower referring to them, have you not?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Mr. Covington: We except.

Q. You know that there is a difference between objection to a religion and against the individual that practices it, do you not?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained.

Mr. Covington: We except to the ruling of the Court.

Q. You next mention the case of liquor and you have three paragraphs on that subject, I believe, or two paragraphs. I will take it back. You have one. I wish you would read that and refresh your mind. A. I have read it.

Q. Are you a Prohibitionist?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Mr. Bruchhausen: I will withdraw that objection, your Honor. As I understand it, a Prohibitionist is a political term, or maybe I am mistaken. If counsel is asking whether he advocates abstinence or something like that, I have no objection.

The Court: Let us clear it up. Which are you objecting to?



Mr. Covington: I am asking the question about the Prohibitionist angle.

The Court: What do you mean? There is such a thing as a Prohibitionist political party.

Mr. Covington: I don't try to make it appear that he is a member of the Party.

The Court: You are just asking whether he is a total abstainer from liquor?

The Witness: I am a total abstainer.

Q. Have you ever made any speeches in favor of Prohibition? A. Years ago, I have.

Q. When was that? Are you one of the folks that helped put across Prohibition in 1918? A. I was not guilty of it.

Mr. Bruchhausen: I withdraw the objection.

Q. Well, if you made speeches in favor of Prohibition, when was it? A. That is back in 1908 or 1910, somewhere around there.

Q. You were one of the originators when the movement first started then, weren't you? A. No.

Q. Coming more specifically down to your charges, Mr. Moyle, of course, you object then against having liquor in your own home, don't you? You don't have it yourself. A. We do not have it.

Q. And you never have had it, have you? A. No.

Q. And it is naturally offensive to you to have liquor in your home? A. In my own home?

Q. Yes. A. Yes.



Q. And you considered Bethel to be your home, didn't you? A. Yes.

Q. Now, tell us what facts you base these charges on in the first paragraph under the heading "Liquor"? A. Well, if I can have—Is there an extra copy of that that I can have?

The Court: Yes, take mine.

Q. Can't you tell us without looking at it? A. I want to take these up. You are asking about them one by one.

Q. All right. A. First I mentioned the fact that I was a total abstainer was nobody's business but my own, but that at Bethel it appeared not to be the case. That was so. After I went there I made no claims or anything as to my own drinking. I told nobody that I was a drinker or not a drinker at all. But after we had been there a while there would be allusions to it as we would go up and down the elevator. The boys would remark there, make allusions, wish they had a barrel of beer around, how nice a barrel of beer would be, which I took to be aimed specifically at me as being a total abstainer. Other cases, another member, not of Bethel but on the outside, a man by the name of Nelson, one of the Jehovah's Witnesses in one of the units around there, told me one time I wasn't in harmony with the Society if I did not drink liquor. I had been offered liquor at his place and declined it.

Q. What else? A. This policy of breaking in newcomers there, we heard that from several different persons—

The Court: Did you see any liquor around the place?

The Witness: I cannot testify positively as to liquor being in the place, except what I heard, that is right, that liquor was served at the factory sometimes. I do remember that.

Q. What do you mean, liquor? Let us get down to the point that you are talking about. A. Beer was served some nights at the factory when they were working overtime, and I heard of some of the boys bringing in stronger stuff.

Q. You heard of that? A. Yes, sir.

Q. You are a lawyer, aren't you? A. I am.

Q. Did you ever hear of hearsay evidence? A. Yes.

Q. You know that is incompetent, don't you? A. I do.

Q. But yet you considered and took into consideration hearsay evidence in arriving at your judgment in this matter, didn't you? A. Only partially.

Q. Excluding all hearsay evidence let us hear what you have got of your own knowledge now.

Mr. Bruchhausen: I object to that as already testified to.

The Court: I will let him answer, if he has anything else, outside of what he said.

Mr. Bruchhausen: Does counsel mean as to the liquor?

Mr. Covington: Liquor.

The Court: We are talking about liquor now.



The Witness: Well, it was the attitude towards it. I have no objection to anybody drinking beer or wine, that is their own affair, as I state in the letter, and remarks were made at the table casually by the president, Rutherford, concerning that, and at one time he did label total abstainers as prudes, a term which I didn't think was applicable.

Q. When was that? A. I think that was during the last year we were there.

Q. Was it at dinner or supper or breakfast, or when? A. My best recollection is that it was at the dinner table.

Q. What did he say? What is it particularly gave rise to that statement? A. I may have these mixed up a little bit, but if I remember right, that was in connection with the case which happened when the boys working overtime at the factory were served some beer, and that night in the very late hours the alarm bell in the Bethel rang, and there was quite a search and disturbance over it and an investigation was made. The president of the organization inquired at the table several times as to who pushed that button and rang that bell during those late evening hours, and in the course of that discussion it came up that possibly someone of the boys did drink too much, and feeling the effects of it had pushed that button and rang the bell as a joke in those late hours. There was further discussion of it and in the course of that discussion the Judge did make the statement that those who didn't drink at all were prudes.



Q. Did he approve of pushing the bell by the boy that had too much? A. Most decidedly not.

Q. Was this matter brought up at the table about someone having had too much and pushing the bell? A. I think it was.

Q. Who said that? A. I don't recall. There was quite a bit of discussion back and forth and I don't remember who made the statement. I may be wrong on it, but to the best of my recollection that I have it is possibly a man by the name of Freschel said it.

Q. Freschel? A. That made the statement. I wouldn't want to state that positively.

Q. You say that Max Freschel pushed the bell? A. I did not say that.

Q. You said that he said that someone else pushed it, is that right? A. I said that my recollection is that Freschel made the statement that possibly someone of the boys had too much liquor and pushed it, pushed that button.

Q. He made the statement? A. Yes, sir. I don't want to put that dogmatically.

The Court: That is your best recollection.

The Witness: Yes, sir.

Q. Did that offend you? A. No.

Q. The statement? A. No.

Q. Did the pushing of the bell offend you? A. No, not at all.

Q. What about the whole procedure offended you? A. Nothing, except that I thought at the time that in the midst of a thing of that sort to



label a total abstainer as a prude was not in accordance with good Christian principles?

Q. What is a prude? A. I don't know as I can give you a dictionary definition of it.

Q. What is your understanding of it, because you think it is leveled at you. A. I don't know as it was leveled at me.

Q. Then you don't object to it, do you? A. I answered it. I said I didn't think that was in accordance with good Christian principles.

Q. Did you ever have a conversation with the Judge personally about the difficulties that you have mentioned in this paragraph? A. No, sir.

Q. Have you ever discussed with the Judge personally, prior to July 21st, any of the matters that you have mentioned in any of these paragraphs? A. Not discussed with him, no.

Q. How often was beer served at the factory? A. I don't know.

Q. The one instance. Is it not a fact that the boys worked late during the hot summer and beer was obtained so that each one could have one bottle after they had finished their day's work with their meals that were served there at night? A. That may be right. I don't know.

Q. Were you present when this took place? A. This discussion at the table?

Q. No, about the beer being served in the factory. A. I don't think I was at the factory that night, no.

Q. Who told you about beer being served at the factory that night? A. It was discussed at the table.

Q. And you heard the discussion? A. Yes, sir.



Q. Did that offend you? A. No.

Q. What did offend you with reference to the liquor matter? A. The general proposition of finding fault with a man who was a total abstainer. Whether the boys drink beer or not was no affair of mine. I had no objection to it.

Q. What did you mean when you said "Bacchus-like" attitude? A. I think that refers to a sort of an undue praise of liquor.

Q. Have you ever looked up about "Bacchus-like" attitude? A. No, I have not.

Q. To determine what its real meaning is? A. I haven't had occasion to look it up.

Q. Don't you know that Bacchus refers to drunken orgies with which are connected very base, low, immoral practices? A. I don't know that, no.

Q. Have you ever looked up the meaning of Bacchus? A. Not in recent years, no.

Q. In its common acceptance and parlance? Do you know where the word originates? Is it mythology? A. I believe so.

Q. You say that the Judge took an un-Christian attitude on this subject, is that right? A. Yes, I think it was.

Q. Have you got any Scriptures to support the proposition that it is wrong for a Christian to take a drink? A. I have not made that claim.

Mr. Bruchhausen: I object to that.

Q. All right. Have you got any Scriptures to support the proposition that it is wrong for a Christian to permit others to drink if they want to?



Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. Have you got any Scriptures to support the charges made in that paragraph?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. How do you know that it was an un-Christian attitude?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained. The exhibit speaks for itself.

Mr. Covington: We except, of course, to all these rulings.

Q. Did you ever see anyone take a drink at Bethel? A. I don't think I have.

Q. Did you ever see liquor in the Bethel Home? A. I don't recall seeing it.

Q. Did you know that the Lord Jesus Christ was accused of drunkenness and gluttony and being a wine-bibber because he drank wine?

Mr. Bruchhausen: I object to it.

The Court: Objections sustained. You may have a general exception to that. We are not trying Jesus Christ in this Court and we are not trying the Scriptures.

Mr. Covington: I want to make this statement for the record. Mr. Moyle made the statement that it was un-Christian.

The Court: The statement speaks for

itself. He has been given the opportunity to explain it, and you may have a general exception to going any further along this line.

Mr. Covington: With that understanding I won't pursue the inquiry any further.

Q. Now, take a look at this. You see the first paragraph under the heading, "Liquor"? A. Yes, sir.

Q. Do you see the next paragraph after that? A. Next paragraph?

Q. Yes. A. "These were a few of the things," beginning with that line?

Q. Yes. A. Yes.

Q. Acquaint yourself with the paragraph and then I will ask you a few questions. A. All right.

Q. What did you have in mind in that paragraph? A. I can't recall now.

Q. You don't recall a thing to support that paragraph, is that correct? A. No, I can't recall now what I did have in mind at that time.

Q. This paragraph says, "These are a few of the things which should have no place in the Lord's organization." That is after mentioning vulgar and filthy language, glorification of alcohol, discrimination with reference to marriage and discrimination in reference to the accommodations for the Judge. You have specified those matters but you say here, "There are other more grievous injustices but I have no personal contact with them and therefore I do not discuss them." Is that correct? A. I believe that



is correct. I can't remember now just what I did have in mind at the time I wrote them.

Q. Did you have personal contact with these other matters that you mention in your letter? A. In many of them.

Q. What did you have in mind in the next to the last paragraph of your letter? A. That is with reference to the cases in the courts? Is that what you are asking about?

The Court: Is that the paragraph you are referring to?

Mr. Covington: Yes, next to the last paragraph, over the signature.

The Court: You have been asked what you had in your mind.

The Witness: Well, I had in mind the cases that were still pending. I gave him a list of those cases and I had in mind if he wanted any further assistance from me in those cases I would be willing to serve.

Q. You knew that when you left you were running off and leaving the Judge stranded, didn't you? A. No.

Q. You didn't know that? A. No.

Q. When you came there the Judge transferred to you many of the responsibilities that he had handled directly, did he not? A. That is right.

Q. And you enjoyed that privilege for approximately four years, did you not? A. That is right.

Q. And you withdrew without seeing first that he had somebody else to take your place or trying to settle these matters with him? Did you ever go to the Judge and talk with him and try to



settle these matters? A. Which question do you want me to answer?

Q. The whole letter. I say now, did you ever go to the Judge and talk to him about settling these differences that you had with him that you have put forth in this letter?

The Court: Isn't the evidence quite clear that he didn't? Isn't one of the exhibits illustrative of that?

Mr. Covington: I am not clear on it.

Mr. Bruchhausen: Exhibit 11 for Identification.

The Court: At least the testimony here is clear.

Q. The last paragraph. You say that you had no desire for a verbal argument about the matter? A. That is true.

Q. Did you expect one? A. Yes. If I had gone to him direct.

Q. What do you base that on? A. By what I had seen and heard.

Q. You base it upon any remark the Judge ever made to you the whole time you were there? A. No, sir.

Q. You knew that you had received kind treatment? A. That is right.

Q. Why didn't you expect to receive kind treatment in this matter? A. Because in the time that I was there, when I had seen the cases where people having an idea in opposition to him were scolded severely. They were not given any chance to speak, and as I stated in the letter, were trimmed.

Q. Trimmed? A. Yes, sir, scolding, in other words.



Q. Who were they? A. George Hannan was one.

Q. Who else? A. McCormick was another.

Q. What were the facts in each one of those cases? A. George Hannan's case was in connection with this Madison Square Garden riot. George was one of the ushers and at one of the sessions concerning those ushers claim was made against George that he had not performed his duties properly. George tried to explain. The Judge shut him off as quick as that. He said, "You needn't say any more," in a strong, brutal, rough tone of voice.

Q. What else? A. And these other cases that I have mentioned in the letter.

Q. What is the circumstance? A. They were similar.

Q. What were the circumstances that you say were similar? A. Take the case of C. J. Woodworth, which is mentioned. Woodworth sent a letter to the Judge as we were sitting at the table in which he made reference to a calendar. Woodworth had written an article on the calendar in which he had developed a new form of calendar, and in this private note to the Judge he stated that he felt as though he was using the devil's tools or using something of the devil in using the old calendar, and that day at noon the Judge jumped upon Woodworth without warning, calling him a jackass, and Woodworth said, "Yes, Brother Rutherford, I presume I am a jackass." "Yes, you are a jackass," he said, and Woodworth said, "I am sorry." "Yes, you always say you are sorry. I am sick and tired of it,"



and he put it much more forcibly than I could ever do.

Q. You objected to Woodworth stating first that he was a jackass and the Judge agreeing with him? A. It was the other way around.

Q. You say the Judge called Woodworth a jackass and Woodworth agreed with him and the Judge emphasized it again? A. I had no objections to anything Woodworth said.

Q. What is there about the word jackass that you object to? A. I don't have any objection to the word jackass. I did have the objection to a man, the head of a Christian organization as it is claimed, using his brethren in that manner. That is one of the reasons why I sent that letter.

Q. Have you ever used the word jackass in reference to yourself?

Mr. Bruchhausen: I object to the term.

The Court: Objection sustained.

Mr. Covington: We except.

Q. I will ask you if it is not a fact that in a letter dated August 15, 1939, you referred to yourself as a jackass? A. I don't know. I might have.

The Court: This is not a laughing matter. I am talking to the audience.

Mr. Bruchhausen: I don't think that subject is in issue in the case. I object to it.

The Court: Objection sustained.

Q. Do you believe in the right of the head of a Christian organization to reprimand and discipline those that are his brethren? A. You said of a Christian organization?



Q. Yes. A. May I ask, do you mean Christian in the sense of the Bible? That is the Bible definition of a Christian?

The Court: Whichever way you mean.

Q. You make your definition and then state your answer. A. As far as the Christian organization is concerned, I do not recognize any head of a Christian organization except Jesus Christ. The Bible does state that an elder may rebuke one for wrongdoing. I agree with that.

Q. And the one that is occupying the position of an elder over his brethren can correct him when he sees him going in a wrong way, can't he? A. He can explain and assist them to go the right way.

Q. Are you familiar with the case of the Apostle Paul? A. I am—I don't know—

Q. Did you consider that in arriving at your conclusion, the case of Apostle Paul?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Do you have any Scriptures upon which to base—Is your testimony based upon the proposition that the Watch Tower Bible & Tract Society is not a Christian organization? A. I don't believe it is, no.

Q. When did you reach that conclusion? A. Along in 1940 or 1941, or thereabouts.

Q. Did you begin to get that notion in 1938? A. No.

Q. When you read that article on Jonodabs and the Great Multitude? A. No, I did not.

Q. You say it was in 1941. What month?

The Court: He said 1940 or 1941.

Q. What month, if you can tell us? A. I cannot.

Q. You didn't have the idea that it was not a Christian organization, on July 21, 1939, or August 8, 1939, did you? A. That is right, I did not.

Q. You thought it was a Christian organization then, didn't you? A. I thought it was.

Q. When did you first hear of the organization known as The Evil Servant? A. I cannot state any definite time. That is, I heard the Watch Tower, or read the Watch Tower articles describing an organization as The Evil Servant. I don't know now as there is any such organization called "The Evil Servant."

Q. At the time that you thought that the Watch Tower Bible & Tract Society was a Christian organization, what was your opinion as to who the Evil Servant were? A. I had the opinion that those who had a clear cut knowledge of the truth and who left the truth and turned against God and against His Work, that they collectively made up what is called an evil servant class.

Q. In 1939, you had in mind that those who abandoned and left the organization, the Watch Tower Bible & Tract Society, were known as the evil servant, is that right? A. You have left out part of the definition.

Q. In 1939?



The Court: He said, "You left out part of the definition."

Q. What part? A. Who left the truth and turned against God and against the work which God might be doing.

Q. Did you ever recognize the Watch Tower Bible & Tract Society as the Lord's organization? A. I believed it was.

Q. When you believed it was and until you changed your mind, did you figure that those that left the Watch Tower Bible & Tract Society left the Lord's organization? A. Yes.

Q. You had that opinion? A. Yes.

Q. And that they constituted the evil servants when organized? A. Qualified to the extent that if they—

Q. Talking about at that time? A. Yes, sir, I mean at that time. That is, if they not only left the organization and had turned away from the truth and were fighting against God and against the works of God.

Q. And fighting against the Watch Tower Bible & Tract Society, too? You had that opinion, too? A. I thought that at that time.

Q. Do you oppose the Watch Tower Bible & Tract Society? A. It depends on what you mean by oppose.

Q. Are you in favor of its doctrines that are taught in the "Watch Tower" magazine? A. Not all of them, no.

Q. What one do you not favor?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We except.



Q. The Evil Servant organization, during the years 1936, 1937, 1938 and 1939, while you were associated with the Watch Tower Bible & Tract Society had offices in Brooklyn, did they not? A. Not to my knowledge.

Q. Did you know that you had at one time referred to the Dawn as the evil servant and the Pastoral Bible Institute, talking about before you left, not now? A. I don't recall ever referring to the Pastoral Bible Institute as an evil servant. I don't recall referring to the Dawn as an evil servant. I might have done it.

Q. You knew that they were regarded as the organization of evil servant leaders? A. I knew that the Dawn was so regarded. I don't recall much about the Pastoral Bible Institute at that time.

Q. During the year 1940 you were approached, or 1939, I believe it was, you were approached by a representative of the opposition, were you not? A. You will have to define opposition.

Q. The ones that are regarded by the Watch Tower Bible & Tract Society as the evil servant.

Mr. Bruchhausen: If your Honor please, there seems to be a difference between whose evil servant we are working on here. There is a different kind of evil servant in their minds.

Q. I will reframe it. What individuals opposing the Watch Tower Bible & Tract Society visited you during 1939 or the year 1940, with reference to your joining up with them and opposing the Society?



The Court: You mean in 1939, after he left Bethel?

Mr. Covington: Yes.

A. Nobody asked me to join up with them.

Q. Do you know a man by the name of Russell Pollack? A. Yes, sir.

Q. Who did he represent? A. I don't know if he represents anybody.

Q. What organization, either the Dawn, Pastoral Bible Institute, or any other such organization, is he connected with? A. I understand that he is affiliated with the Dawn organization.

Q. Did he pay you a visit in October, 1939? A. He did not.

The Court: Does that refresh your recollection, that paper?

The Witness: It does.

The Court: He says this paper refreshes his recollection.

Q. Now, did he pay you a visit? A. He did not.

Q. He did not? A. No, sir.

Q. Did you have a conversation or communication with him? A. No, sir.

Q. You did not? A. No, sir.

Q. Did a woman by the name of Mathilda communicate with you in behalf of Pollack? A. She did.

Q. For what purpose? A. She said that Pollack would like to see me and would I see him, that he was coming to Milwaukee.

Q. Did he come? A. I don't know.



Q. What did he want to see you about? A. I don't know.

Q. Have you seen Mr. Pollack since that time? A. No, sir.

Q. You have not? A. No, sir.

Q. Do you remember the meeting on August 8th, do you not, that you described, before Judge Rutherford, when the Committee considered your case and made a resolution before the Board of Directors? A. Yes, sir.

Q. Do you remember on that occasion that Judge Rutherford made certain statements in your presence with reference to Madison Square Garden matters?

The Court: As I understand it, there were two meetings on August 8th. Do you mean the meeting of the Board of Directors or the general meeting at which the resolution was read?

Mr. Covington: The meeting of the Board of Directors.

The Court: At 10 o'clock in the morning.

A. There were some statements made, yes.

Q. Do you remember that Judge Rutherford took up your letter before the Committee and before the Board of Directors after the vote was taken, not before, and made his statement in regard to your charges? A. That may be right. I don't recall it very clearly.

Q. What did he say? A. I don't recall all he said.

Q. Do you remember anything that he said?



A. He said, if I remember rightly, the letter was all lies; they were false.

Q. Did he say anything further?

The Court: That you recollect.

A. I don't recollect.

Q. Did he tell you that you would be with the evil servant? Do you remember that statement that he made to you? A. Yes, I think I remember that.

Q. What did he say? A. I think he said about as you put it, that I would be within the evil servant possibly within a period of time—I don't remember clearly.

Q. Was it within a year, or something like that? A. I don't recall; maybe.

Q. What did you say about that? A. I don't recall that I said anything.

Q. Did the Judge make this statement to you: "You might explain, Moyle, why you were so familiar in the court with McDonald, patting him on the back, when you knew he was one of the leaders in the assault on the Lord's organization in Madison Square Garden. Had you performed your duty to our brethren the situation would have been far better for us now in the fight with the enemy who attempted to break up the Madison Square Garden meeting." Did he say that? A. I believe he did.

Q. Were those statements made before or after the discussion and the vote on the motion by the Board of Directors? A. That I wouldn't say. I don't remember.

Q. Do you remember the statement that the Judge made with reference to each of your

charges? A. I don't recall his separating them. I do recollect he said they were all false.

Q. Is that all he said? A. I don't remember. There was a good deal more than that said.

Q. You can't remember any discussion at all then, is that right?

The Court: He has already answered that.

Mr. Covington: I think he has.

The Court: He answered it just a few minutes ago. Are you going to be much longer with this witness?

Mr. Covington: Just a little longer.

Q. Prior to August 8, 1942, had you discussed with anyone your objections to the contents of the "Watch Tower" magazine? A. Prior to August 8th?

Q. Yes.

The Court: August 8th, of what year?

Mr. Covington: 1939.

The Court: You said 1942.

Mr. Covington: Instead of 1942.

A. Yes, I discussed the teachings as brought forth in the "Watch Tower" with at least one that I know of, possibly others.

Q. Who with? A. Milton Confehr, and I discussed this "Fill The Earth Doctrine."

Q. Did you ever discuss anything with Victor Smith, complaining about it? A. I might have done it, I don't remember.

Q. Is the evil servant class pictured by Judas in the Bible? A. I don't know.

Q. You don't know. Are you an ordained



minister of the Gospel? A. I do some preaching.

Q. Are you a minister of the Gospel? A. I believe so.

Q. Were you ordained minister when you were connected with the Watch Tower Bible & Tract Society? A. I believe so, yes.

Q. I am going to see if I can't refresh your memory concerning this August 8th meeting, 1939, where these charges were taken up. Do you recall the resolution, do you not, that sets forth—that is set forth in the article entitled, "Information"? A. Yes, sir.

Q. That was read at that meeting? A. Yes, sir.

Q. Then a motion was made, was there not? A. Yes, sir.

The Court: We have been all over this, unless you are going to get to something else.

Q. Do you remember the Judge making this statement in your presence: "I have been at this desk for 22 years. I have had many accusations from the 'evil servant', but never had I had a worse one than this, if as bad. The complaint about me having different places in which to reside is the very language of the evil servant class." Do you remember him saying that? A. I don't recall that.

Q. Will you say he didn't? A. Yes; I don't recall that. I don't say that he didn't. I just don't remember it.

Q. "The accusations made in this letter that I have many places in which to live, and which are



much better than any other members of the organization: The facts concerning this have been published time and again and the brethren everywhere know the facts, and they know that I do not own a foot of land under the sun; that these provisions have been made to further the kingdom interests,"—

Mr. Bruchhausen: Is this a question?

Mr. Covington: I am asking if this statement wasn't made in your presence by Judge Rutherford.

The Witness: It may have been.

Q. Also, I ask you if he didn't say further in your presence, and did you hear this: "that these provisions have been made to further the kingdom interests, and, as stated in the book SALVATION, I wanted something as a tangible record and as evidence that we believe that God is going to bring back to the earth the faithful men of old." Do you remember him making that statement? A. I don't recall.

Q. Will you say that he didn't? A. No.

The Court: I assume this is going to be connected up?

Mr. Covington: Yes, it will.

Q. Do you remember the Judge making this statement: "The Farm was bought for the support of this family, and for other good reasons which I have not yet disclosed, but which are in the interest of the kingdom. As Brother Knorr has stated, this office was arranged for me, I had nothing to do with arranging it, but it was done by Brothers Martin, Knorr, Wise



and Van Amburgh." Do you remember that? A. I have a faint recollection of something like that. I won't deny but what that was said.

Q. Perhaps it would be better if you were to take and read this over, that is the statement there, and see if those things will refresh your memory any, to save time. Let me have it. Mr. Seelman has suggested another plan. Did not the Judge state this: "I have been criticized in this letter for having an air-conditioned room. Brother Van Amburgh will bear witness to this, that my office is the hottest room in the building, right under the roof and difficult therein to get good air." Did he make that statement? A. I believe I remember that.

Q. "An air-conditioned arrangement was put in Brother Van Amburgh's office first, and he is the one that came to me and begged me to put it in my office." Did he state that? A. I remember that.

Q. "The Society did not pay a dime of the cost." Do you remember that? A. No, I don't remember that.

Q. "(Brother Van Amburgh verified this.) I think the criticism about that is a cold-blooded cruelty, no matter whom it comes from." Did you hear him state that? A. I don't recall that.

Q. "If it enables me to work, why should somebody criticize except one who has the spirit of the evil servant?" Did you hear that? A. I have a faint recollection that that was said.

Q. Did you object to it? A. No.

Q. Concerning your charge of rebukes, the Judge said, did he not: "Every rebuke I have administered has been given, as I believed, in



the interest of the Society. The Apostle Paul was the special spokesman for the Lord Jesus Christ. As the WATCHTOWER has stated, Timothy and Titus pictured the Society and as the Lord through Paul instructed them so the Lord through the Society instructs and directs others." Did he say that to you? A. Some of that I recall.

Q. Did he say: "The Society speaks by its official Head. To Timothy Paul said: 'They that sin rebuke before all, that others also may fear.' (1 Tim. 5:20)" Did he say that to you? A. I don't remember.

Q. "Concerning one who had taken a wrongful course Paul instructed Titus in these words: 'This witness is true, wherefore rebuke them sharply that they may be sound in the faith.'" Did he state that to you? A. I have a faint recollection of something like that.

Q. Again he said: "'These things speak and exhort, and rebuke with all authority. Let no man despise thee.'" Did he say that to you, quoting the Scriptures? A. I don't remember.

Q. "As I have often stated to some of the brethren, it hurts me far more to administer a rebuke than it does the one who receives it." Did he say that? A. I don't remember that.

Q. "If I see something in the organization going wrong, as I believe, then I would be unfaithful to the Lord if I did not rebuke such wrongdoer." Did he say that? A. I can't recall that.

Q. See if you can recall this: "I have tried to proceed according to the rule announced by the apostle, which is God's rule, that is to say:



'Whom the Lord loves he rebukes.'" A. Sounds familiar. It is possible he said that.

Q. Then he said: "If every person is permitted to take his own course the organization would go to pieces. One who believes in the Theocratic government, and that Jehovah therefore is directing his people, must see that it is the proper course for the Society to arrange a system of study." Did you hear that? A. I can't recall that.

Q. Nothing was said about your charge on the Watch Tower study at that meeting? A. How is that?

Q. Nothing was said about your charge on the Watch Tower Society meetings? A. I don't remember.

Q. Then: "Then if every person should be permitted to bring forth and adopt his own method of study that would mean acting contrary to the Lord's instructions. Rebukes are therefore necessary to bring such matters to the attention of others that they too may fear to go contrary to the Lord's arrangement." Did you hear that? A. I don't remember.

Q. Concerning discrimination, the discrimination charge, did he say: "I have made no discrimination with reference to marriage. When Bonnie Boyd got married that was her business. It was my business to determine whether or not she should remain in the home. I either had to let her and her husband remain here or else dispense with her services." Did he say that? A. I think I remember that.

Q. "She has been my secretary for fifteen years and the most efficient one that I have had in the office." A. I remember that.

Q. "She has taken dictation for everything I have written, speeches, magazine articles, Watchtower, books and booklets. It was for me to determine whether she should remain in the office and I did determine that she should and that was my affair and my responsibility, and not that of someone else." Did you hear that? A. Some of that I think I heard.

Q. Concerning your charge on filthy language, "If others in this house use it"—

Mr. Bruchhausen: Is this a question?

Q. Did he say this: "If others in this house use it, that is their responsibility. The statement that filthy jokes are told at the table and that the family laughs at these and these only, is a damnable outrage and any man who says that such is the case is a deliberate liar regardless of who he is and from whence he comes." Did you hear that? A. I remember that.

Q. You did not object to that statement? A. I said nothing.

Q. Did he say this: "Liquor: This charge is vicious. I have always been open and aboveboard about such matter. Brother Van Amburgh was once a prohibitionist. Upon the doctor's advice he takes some intoxicating liquor and I help him to get it. Brother Wise has stated that from three doctors he has been advised to drink beer. I have furnished liquor to Brother and Sister Sullivan, especially her when she was ill, and to others in the house. That is my business and my responsibility." Did you hear that? A. Yes, I think I heard that.

Q. Did he not, speaking directly at you, say:



"You denounce me as the 'god of wine', which is the meaning of Bacchus, which is the word you use. You had to go to mythology and not to the Scriptures and find this name for me." Did he say that to you? A. Yes, I guess he did.

Q. "Mythology proceeds from the Devil and other wicked spirits." Did he say that? A. Yes, sir.

Q. Did he say to you: "Jesus made wine, the apostle advised that it be taken in moderation and you are welcome to compare their statements to that of the evil spirits, if you wish." Did he say that to you? A. I don't remember that.

Q. "If your statement is not of the evil servant then I am not able to understand it." Did he say that to you? A. I don't remember that.

Q. "In this connection, your charge against the family is vicious and false and shows that it proceeds from the spirit of the wicked one and is a damnable thing." Did he say that to you? A. I believe he did.

Q. Now, did he say this: "Now I say this to you, Moyle, you have allied yourself with the Devil; you have willingly, without any just cause or excuse even, withdrawn yourself from the Lord's organization, and you are going back to the Devil's organization to engage in the practice of law. I have never known any man to withdraw from the Lord's organization and go into the Devil's organization, that ended up right." Did he say that? A. I heard that.

Q. Did he say: "When you want to continue to fight for the Lord, there is not a person in this presence that believes a word of that." A. Yes, I think I heard that.



Q. Did he say: "Henceforth you shall never represent the Watchtower by my consent." Did he say that? A. He did.

Q. Did he say this: "This Resolution has been adopted. I shall follow it." A. I don't remember that.

Q. Did he say this to you: "You have served notice to leave September 1. You need not wait but move out of the house this day." Did he say that? A. Yes, I remember that.

Q. "If you wish to join the enemy and fight, do so." A. That is right.

Q. "I have no use for a quitter. I am sure the Lord God has no use for a quitter." Did he say to you? A. I remember that.

Q. Did he say: "You are a quitter." A. I believe he did.

Q. Did he say: "You have furnished as an excuse that the president of this organization has not conducted the Society according to your ideas, and I don't think your ideas are Scriptural." Did he say that to you? A. I don't recall that.

Q. Did he say this: "In the four years that you have been here, I have never heard you ask or answer a single Bible question in the Bethel home." Did you hear that? A. I remember that.

Q. Did he say this: "Any man that pretends to be of the Lord's organization, and who does not attend the studies and does not engage in the spiritual discussion in this home, but who devotes himself to his general work, and then goes about talking with others to cause discord and to find fault with the organization, cannot



be in the truth." Did he say that to you? A. I don't remember that.

Q. Did he say: "I shall read this letter to the family or have it read. You may be present; if you wish to defend yourself. Henceforth I shall expect you to ally yourself with those who oppose the Society as long as I am here." Did he say that? A. I remember that.

Q. And then you said: "I don't expect to ally myself with any opposition." Did you say that? A. I believe I did.

Q. Have you allied yourself with any opposition? A. It depends on what you mean by opposition.

Q. To the Society?

Mr. Bruchhausen: I think we have been over that.

Mr. Covington: All right.

Q. Did Judge Rutherford say this: "You complain about accommodations. You have the best room in the house aside from my own." Did he say that to you? A. I remember he said that.

Q. "What business is it of yours what somebody else has? That is not your business." Did he say that to you? A. Yes, he did.

Q. "You have gone to the Farm and talked with Brother Bogard's wife about conditions there." Did you do that? A. Yes.

Q. Did he say that to you? A. Yes.

Q. "That is none of your business. If there was anything wrong there you should have reported it to me. You have never reported it to me." Did he say that to you? A. I remember that.



Q. "If you were a real confidential servant of the Lord, and of this Society, you would have reported such things, but you did not." Did he say that? A. I think he did; yes.

Q. Now: "Quoting from the Apostle Paul in substance, your criticism of me is a small thing." Did he not say that? A. I don't remember that.

Q. Did he say: "I care nothing about that. The apostle said: 'Moreover it is required in stewards that a man be faithful, but with me it is a very small thing that I should be judged of you, or of man's judgment. * * * He that judgeth me is the Lord.'—1 Cor. 4:3, 4." Did he quote that Scripture to you? A. I don't remember.

Q. Did he make this statement, quoting Romans 14:4: "If everything that you have stated in this letter were true, that is no excuse for what you have done. 'Who art thou that judgest another man's servant? To his own master he standeth or falleth.'" Did he say that to you? A. Yes, I remember that.

Q. Then he said: "Your difficulty, Moyle, is fear, probably not that you might receive some bodily injury, but fear you won't be approved of men and have it said that you are a good fellow. In my opinion you are a religionist and not a Christian." Did he say that to you? A. Yes, sir, he did.

Q. Did William P. Heath say this to you: "Moyle, I wish to propound to you this question: Are you a Jesuit?" A. I remember that.

Q. And you said: "Absolutely no, a thousand miles from it." A. That is right.

Q. And did Judge Rutherford say this: "You



might explain, Moyle, why you were so familiar in the court with McDonald, patting him on the back, when you knew he was one of the leaders in the assault on the Lord's organization at Madison Square Garden."

Mr. Bruchhausen: I object to this, if he is going over it again.

The Court: Objection sustained.

Q. Did he make this statement to the Board of Directors: "Now, brethren, your advice and this Resolution is adopted and will be carried out." Did he say that? A. Yes, I think I remember that.

Q. And thereupon Judge Rutherford, or did Judge Rutherford order you to be discharged as legal counsel for the corporation? A. He did.

Q. And did he order you that in harmony with the Resolution your relationship was to be immediately terminated—

The Court: We have been all over that. He left there that day. Is that all?

Mr. Covington: No, that is not all.

The Court: How much longer do you expect to be?

Mr. Covington: On a few more matters that might take some considerable time. There have been so many things written that I want to inquire about them. I can't finish this afternoon.

The Court: How long do you think it will take you?

Mr. Covington: I think I will finish within an hour.

The Court: I will adjourn now, if you

both will promise you will get yourselves together and not repeat anything by the morning.

Mr. Covington: Yes, sir.

The Court: We will adjourn until 10 o'clock tomorrow morning. Please do not discuss the case even amongst yourselves.

(Whereupon, an adjournment was taken until 10 a. m., Friday, May 14, 1943.)

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Friday, May 14, 1943
10 o'clock A.M.

(TRIAL RESUMED.)

OLIN R. MOYLE, the plaintiff, resumed the stand and testified further as follows:

*Cross-examination (Continued) by Mr. Covington:*

Q. Is that your signature on that letter? A. A. Yes, that is my signature.

Q. Mr. Moyle, when you resigned, did you expect to put pressure upon Judge Rutherford by throwing the burden of a number of cases into his lap that you were handling?

Mr. Bruchhausen: I object to the form of the question.

The Court: Yes. It is bad in form.

Q. You did have a great number of cases that were under your supervision, did you not? A. I did.

Q. And you, of course, knew that when you



left there would be no one there to handle them except the Judge, unless somebody else were brought in, is that correct? A. That would be correct.

The Court: Speak up.

The Witness: Yes, that is correct.

Q. Did you expect him to turn these over to you after you left or ask you to handle some of them? A. I offered to, in case he wanted me to.

Q. And did you not expect to have him call you back on account of leaving this great burden of work on him? A. No.

Q. You did not? A. No.

Mr. Covington: We offer in evidence letter dated July 25, 1939, to Mr. and Mrs. G. W. Chambers, signed by the plaintiff, Olin R. Moyle.

Q. What do you have in your hand now? A. Letter dated August 11th, addressed to Chambers, signed by me.

Mr. Bruchhausen: I have no objection to this first letter.

(Letter dated July 25, 1939, received in evidence and marked Defendants' Exhibit D-8.)

Mr. Covington: We offer in evidence letter dated August 11, 1939, identified by the witness.

The Court: While Mr. Bruchhausen is reading that you may ask him about this.

Q. What do you have in your hand now? A.



I have a letter addressed to Confehr, no date, signed by me.

Q. What day was it written? A. Wednesday, a.m.

Q. After acquainting yourself with the contents, can you fix the date approximately that it was written? A. I believe that would be August 9th.

Q. What year? A. 1939.

Mr. Covington: I offer that in evidence.

Mr. Bruchhausen: No objection to letter of August 11th.

(Received in evidence and marked Defendants' Exhibit D-9.)

Q. What is that that you have in your hand? A. This is the copy of a magazine, "The Herald of Christ's Kingdom," August, 1941.

Mr. Bruchhausen: No objection to this undated letter.)

(Received in evidence and marked Defendants' Exhibit D-10.)

Mr. Covington: I offer in evidence the inside cover of this magazine.

Mr. Bruchhausen: What part are you offering?

Mr. Covington: Just the part checked.

Mr. Bruchhausen: No objection.

The Court: Put a circle about the parts that you offer.

Mr. Covington: Yes.



Mr. Bruchhausen: I object to the other part that is encircled. That is somebody else's idea.

The Court: There is no objection to the bottom circle?

Mr. Bruchhausen: No. But we can't be responsible for everything that is printed in a magazine.

The Court: The objection to the top one is sustained. You may have the top one marked for identification so you will keep your record. Mark the bottom one in evidence and the top one for identification.

(Marked respectively Defendants' Exhibit 11 in Evidence and Defendants' Exhibit 12 for Identification.)

Mr. Covington: I might ask a few questions and lay a predicate for that. It may change the ruling.

The Court: As it is now, it is not competent but you may ask any questions you wish.

Q. Mr. Moyle, did you permit your name to be carried in this magazine as one of the speakers and lecturers for the Pastoral Bible Institute? A. I did.

Q. And were you appointed by the Pastoral Bible Institute as such a speaker? A. I was.

Q. As a person that was generally—

The Court: Instead of doing that, let him read the top one. Read Exhibit D-12 for Identification.

Mr. Covington: Very well.



Q. Is the document marked D-12 for Identification correct? A. It is, as far as I know.

Q. And that was with your permission, is that correct? A. You mean this statement here?

Q. Yes. A. I was never asked anything about it, no one said anything about it.

Q. You have seen that magazine before your name appeared in there, didn't you? A. Yes, sir.

Q. And you have also seen the inside cover as it is there, have you not? A. Yes, sir.

Q. And you knew that statement appeared over the name of every speech, did you not?

The Court: It is marked in evidence. Exception to the plaintiff.

Mr. Bruchhausen: I will withdraw the objection.

(Defendants' Exhibit 12 for Identification, received in evidence as Defendants' Exhibit D-12.)

Q. Is it not a fact that you expected by delivering all these many cases that you were handling to Judge Rutherford, that he would be forced to turn many of them over to you to handle even though you should leave Bethel? A. No, I didn't have any idea of that sort.

Q. Did you not state this: "I gave him a list of the major cases pending and told him I could and would handle most of them if he so desired it. He may be so overheated that he will say, 'Nothing doing as to any of the cases.' If he does he is going to have one heck of a job straightening things out." Was that your sentiment then, on July 25, 1939? A. If I stated that in that letter, I presume it was.



Q. What did you mean by making that statement? What was your intention?

Mr. Bruchhausen: I submit it speaks for itself.

The Court: Why don't you read the exhibit to the jury?

Mr. Covington: I shall.

(Reads Defendants' Exhibit D-8 to the jury.)

Q. Does that refresh your memory? A. Yes.

(Mr. Covington thereupon reads Defendants' Exhibit D-10 to the jury.)

Q. Yesterday you mentioned the case of Mr. Broad, a Pioneer, who had left Bethel to get married, is that correct? A. Yes, sir.

Q. And you charge in your letter— Is he the one that you had in mind in your letter as having made application to pioneer in New York and denied that privilege? A. That is the one I had in mind.

Q. That is the only one, is that correct? A. That is all I can recall.

Q. That is the one you had? A. Yes, sir.

Q. How long had he been away from Bethel in 1939, July 21st, when you wrote the letter? A. I don't recall.

Q. Was it sometime or just a short time, your best judgment? A. I don't remember. I think it was a year or more.

Q. Is it not a fact that you know that he never did begin pioneering until February 4, 1940? A. I don't know that.

Q. Are you familiar with this type of a document that I hand you? A. I believe I have seen one or two of those.

Q. Whose signature appears thereon? A. Edward Broad.

Q. What is the date? A. February 4, 1940.

The Court: This is clearly incompetent, unless he knows his signature, or something about it. It is signed by that name. You don't know whether that is his signature or not, do you?

The Witness: I do not.

Mr. Covington: We will have it marked for identification at this time.

(Marked Defendants' Exhibit D-13 for identification.)

Mr. Covington: We will prove it and show the materiality of it.

The Court: Why don't you wait instead of marking it for identification? You may, if you want to.

Mr. Covington: I will take the suggestion of your Honor.

(Defendants' Exhibit D-13 for identification withdrawn.)

The Court: You can prove it later on.

Q. You were asked if you took a list of names from Bethel and you said you did not. I will ask you if your son or anyone for you took a list of names.

The Court: If you know.

Mr. Covington: If you do know.



A. I don't know of anybody taking a list of names.

Q. Did anyone deliver you a list of names that had come from Bethel or the Watch Tower? A. No, sir.

Q. Did you send all of your 2,000 printed letters or the 1,500, rather, to Jehovah's Witnesses?

Mr. Bruchhausen: I object to that.

The Court: Sustained. It has already been gone over several times.

What is that that counsel handed you?

The Witness: An envelope addressed to Attorney Clarence Scott, Old Town, Maine.

Q. Whose envelope is that envelope? A. I wouldn't know whether it is mine or one of Harvey Fink's.

Q. Whose typewriter is the writing on? A. That looks like my typewriting.

Q. And it is to Clarence Scott? A. Yes, sir.

Q. You have sent out publications of "The Dawn," have you not, to various of Jehovah's Witnesses? A. Publications printed by them?

Q. Yes. A. Yes.

Q. I ask you if this "Messianic Theocracy Booklet" printed by "The Dawn" was attached to your printed letter to this exhibit that you have just now identified and was sent out by you in these printed letters that you mailed. A. It was.

Mr. Bruchhausen: I don't know what relevancy this has. I don't know what year it is.



The Court: There is another thing. It is not an exhibit. You have referred to it as an exhibit.

Mr. Covington: We offer it now in evidence.

Mr. Bruchhausen: There is no date.

The Court: Do you know when that was sent out?

The Witness: There is no date marked on it. I don't recall. That was after September, 1940.

Q. That was when you started making them?

Mr. Bruchhausen: I will withdraw the objection.

(Received in evidence and marked Defendants' Exhibit D-13.)

Q. Mr. Moyle, did you know that a plea of guilty by Mr. Eugene Orrell would injure and prejudice the case of the other two defendants jointly charged with him?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. I show you the Watch Tower magazine entitled "Snares" of November 15, 1939;—

The Court: Is that the one in evidence?

Mr. Covington: Yes.

The Court: That is Exhibit 5 of the plaintiff?

Mr. Covington: Yes.



Q. What part of that magazine referred to your conducting a case in court that you complained about in your complaint?

Mr. Bruchhausen: I submit it is already a part of the answer, if your Honor please.

The Court: The exhibit?

Mr. Bruchhausen: No, the part which is complained about. That is evident from the complaint.

The Court: It is part of the complaint, that is right.

Mr. Bruchhausen: It is alleged and set forth in the complaint, as I recall it.

Q. I will ask this question, Mr. Moyle. In reference to the article entitled "Snares" you knew, of course, that your conduct of the case at Madison Square Garden would be a matter for inquiry in this action, did you not, and would be involved in this action.

Mr. Bruchhausen: I object to the question.

The Court: Sustained.

Mr. Covington: I except.

Q. You testified yesterday in reference to glorification of alcohol, as you termed it, and filthy and dirty stories at the Bethel table.

Mr. Bruchhausen: I object to it on the ground that we have been all over this.

The Court: I think he is just laying the foundation. Listen to the question and then I will see if this has been testified to before.



Q. How long have you known Harvey Fink? A. For better than 20 years.

Q. When did you begin to visit in his home? A. That is 15 or 20 years ago, off and on.

Q. When you went back from Brooklyn, after August 8, 1939, did you visit in his home frequently? A. Yes.

Q. You were with him most all day at his office? A. I had my office in there. When he was there I would be with him, of course.

Q. I will ask you whether or not, based on your acquaintance with Mr. Fink, and visiting in his home, whether or not he habitually kept and served liquor in home to visitors at times when you have been present. A. Never when I have been present.

Q. At times when you haven't been present you don't know anything about that, is that correct?

Mr. Bruchhausen: I object.

The Court: Sustained.

Q. Have you ever heard Harvey Fink indulging in the telling of dirty and filthy stories?

Mr. Bruchhausen: I object.

The Court: Sustained.

Q. You have made speeches before assemblies of Jehovah's Witnesses, have you not? A. Yes, sir.

Q. And you made a speech in 1937 before the Columbus Convention of Jehovah's Witnesses at Columbus, Ohio, did you not? A. I believe I did.

Q. And on what subject? A. I believe the topic was, "Counsel to Publishers."



Q. How many people were present at that assembly? A. I don't remember. I think there were 15,000, or so.

Q. Did you make a public speech at any other convention? A. I have.

Q. What other convention? A. Madison Square Garden.

Q. What was the subject of that speech? A. "Unmasking Hypocrisy," or some name like that. I have forgotten.

Q. Did you make a speech on the subject of "Public Enemy No. 1"? A. Maybe that was the title.

Q. And what was the subject matter? A. The subject matter was false religious organizations as being Public Enemy No. 1.

Q. And to whom did you refer in your speech?

The Court: How is this relevant?

Mr. Bruchhausen: I object to it.

Mr. Covington: I am going to show the relevancy of it.

The Court: Objection sustained.

Mr. Covington: We except, and I would like to show the relevancy.

The Court: Next question, please. We have given you wide latitude. I want everybody to have a wide latitude, but we must have some semblance of order here.

Q. How many people were present at that Convention?

The Court: The objection has been sustained.

Mr. Covington: We want to show he was widely known amongst Jehovah's

Witnesses and this is offered in our defense of privilege, and it is very competent to show his wide reputation.

The Court: I think it will be conceded that he was widely known.

Mr. Bruchhausen: We will accept the concession, and it is part of an admission in the answer.

The Court: He is now showing you a paper. What is it?

The Witness: It is a pamphlet dated November 9, 1938, addressed to Franklin D. Roosevelt, President of the United States, with my signature, or printed signature, at the bottom.

The Court: You wrote it?

The Witness: Yes.

Q. That was circulated throughout the entire United States, was it not? A. At the direction of the Society, yes.

Q. And by Jehovah's Witnesses? A. Yes.

Q. Did you have a boyhood school chum here in New York who was not one of Jehovah's Witnesses that you visited frequently? A. A boyhood school chum?

The Court: While you were at Bethel?

Q. While you were at Bethel, who was not one of Jehovah's Witnesses, with whom you had gone to school out in the Mid-West? A. I don't remember.

Q. Did you ever visit anybody in Queens that had been—who lived in Queens, during the time you were at Bethel—who was not one of Jehovah's Witnesses? A. No, I don't remember.

Q. Who you had gone to school with?



The Court: He does not remember.

Q. Is it not a fact that one of your grounds of complaint against the Society was the fact that a quota of 60 hours per month preaching the Gospel from house to house was set and that is one of your reasons for leaving Bethel?

The Court: Before he left?

Mr. Covington: Yes.

A. No.

Q. Did you have any objection to that quota? A. Well, I thought that it was establishing an artificial standard, you might say, for Christian work. I had that objection, but it was not a serious enough objection to—

The Court: You had that objection. That is an answer.

Q. Do you and your wife desire to return to and become a part of the Watch Tower organization and Jehovah's Witnesses?

Mr. Bruchhausen: I object to the question. It is not at issue here.

Q. When was it that you and your wife reached the conclusion that you no longer desired to become a part of and be a part of the Watch Tower organization?

Mr. Bruchhausen: Objected to.

The Court: Sustained. We have been over that very carefully.

Q. You still claim as damages the fact that you are now shunned and avoided by Jehovah's Witnesses?



Mr. Bruchhausen: I submit the complaint speaks for itself.

The Court: Sustained. We have been all over that.

Q. You testified that you attended studies in Milwaukee after you returned there in 1939 and before September 15th, for the purpose of determining whether or not the doctrines were right, is that correct? A. I don't recall testifying to that.

Q. What did you say you did? What did you attend these meetings for? A. State the time again.

Q. Between August 8th and September 15th.

The Court: When you got back to Milwaukee on September 15, 1939.

A. Because I considered myself still a part of the organization, was interested in its teachings, wanted to learn and to work with them.

Q. You were not interested in all of its teachings, were you? A. There were some that I did not agree with.

Q. Coming now to the Watch Tower magazine, you know, do you not, that the Watch Tower magazine is the channel of communication between Jehovah's Witnesses and the Watch Tower Bible & Tract Society, Inc.? A. Yes.

Q. And that was employed as a means of providing them with Spiritual food, was it not? A. A means employed of providing them with its interpretation of the Bible, yes.

Q. At the time that you were counsel, how did you regard the Watch Tower as a means of communication between the Watch Tower Bible &



Tract Society and Jehovah's Witnesses? A. I regarded it—

Mr. Bruchhausen: I object to it.

The Court: He has already answered it. I think we have been over this thoroughly, so I am going to sustain an objection to it.

Mr. Covington: We except.

Q. The Watch Tower magazine was not distributed publicly, upon the streets, that is, was it, in July of 1939? A. I don't remember just when that began.

Q. It was not—to refresh your memory—was it not in February, 1940, that the Watch Tower began to be distributed on the public streets? A. I couldn't recall.

Q. Did you ever see it on the streets prior to September 15th and October 15, 1939? A. That I don't remember.

Q. The Watch Tower was also studied in the homes of the people throughout the entire United States, was it not? A. I believe so.

Q. How many companies of Jehovah's Witnesses were there in the United States at the time you were general counsel, up to August 8, 1939, if you remember, approximately? A. I don't know.

Q. To refresh your recollection, was there several hundred, if not several thousand? A. There were quite a number of them. I had nothing to do with that department.

Q. There were congregations and companies located from one end of the country to the other, in every state of the Union, weren't there? A. I believe that is right.



Q. And in addition, connected with those congregations, attended by Jehovah's Witnesses, there were also individual studies in each community, were there not, in the homes of the people where they gathered together in the homes? A. I remember such studies, yes.

Q. And that was the policy throughout the entire United States, to have such studies, in addition to the regular Watch Tower congregation meetings at the halls, is that correct? A. That is correct.

Q. Did the Watch Tower magazine of each issue contain an article that was made the basis of study before each company—

The Court: We have been all over that. That has been testified to fully. The Court will object itself to the question.

Mr. Covington: We except.

The Court: You doubt that you have been all over that, sir?

Q. To refresh your recollection I show you an "Informant," dated January, 1940, and ask you to look at the page, the back page, where it says "Wider Distribution Begins February."

The Court: Have you seen that before?

The Witness: I don't remember seeing this, no.

Q. Your counsel asked us to admit the genuineness of that.

Mr. Bruchhausen: I object to the statement of counsel.

The Court: Please don't make such statements. You have a question and you



have an answer. There is no reason why you should make any such statement.

Mr. Covington: We except.

The Court: To your statements? I except to your statement.

Mr. Covington: May I have the "Watch Tower" containing the article designated "Information"?

The Court: You mean Exhibit 1 of the plaintiff?

Mr. Covington: I thought it was Exhibit 3.

The Court: That is September 1st issue. Is that what you are referring to?

Mr. Covington: October 15th.

The Court: That is Plaintiff's Exhibit 1.

Mr. Covington: Yes.

The Court: He refers to Plaintiff's Exhibit 1.

Q. That is Plaintiff's Exhibit 1 that you have, and that is made the basis of the first cause of action. What parts—You allege in your complaint that certain parts of that are false. What parts of that article can you advise now that are false?

Mr. Bruchhausen: I object to that.

The Court: The objection is sustained. Exception to defendant.

Q. I show you now the "Snares" article of November 15th "Watch Tower"—

The Court: Plaintiff's Exhibit 5?

Mr. Covington: Yes.

Q. (Continuing)—and ask you to identify the parts thereof that you claim to be false in your complaint.

Mr. Bruchhausen: Same objection.

The Court: Same ruling.

Mr. Covington: We except.

Q. Have you ever attended any of the studies that are conducted in the homes of the people, aside from the Watch Tower meetings in the congregations?

The Court: Fix the time.

Q. At any time, prior to November 15, 1939? A. Yes, I think I have. Any time prior to November 15, 1939?

Q. Yes. A. Studies in the home.

Q. Yes. A. Yes.

Q. These studies in the home were usually among people that did not attend the Watch Tower studies, isn't that correct? A. They were conducted for the convenience of people who did not regularly attend the regular Watch Tower studies at the Kingdom Hall. Not the meetings that I attended, no.

Q. Was it not the policy of the Society throughout the country to conduct such studies for the benefit of people known as "Good Will," known throughout the entire United States? A. I understand there were such studies.

Q. Do you know who the people of "Good Will" are or at least you know who the Society has in mind when they refer to people of "Good Will" prior to November 15, 1939, do you not? A. I believe I do.



Q. And what distinction or difference was there between people of "Good Will" and "Jehovah's Witnesses? A. I believe the Society theory was that Jehovah's Witnesses are an anointed class who are agents of God in presenting the Message, that the people of "Good Will" are people who are favorably minded towards God, being—

The Court: You mean prospective members?

The Witness: It would amount to that, practically, yes.

Q. And they were people that were interested in the Society's activity, were they not, people of "Good Will"? They were not those that opposed it, were they? A. Not according to their definition.

Q. And they were not those that were indifferent to the Society, were they? A. I believe that is right.

Q. But they were people that had an active interest in the Watch Tower Bible & Tract Society's publication and activities, is that right? A. Yes, sir, according to the Watch Tower definition.

Q. But who did not go out like Jehovah's Witnesses from house to house, is that correct? A. I believe that is correct.

Q. And they depended for their sustenance or the spiritual food that they got from Jehovah's Witnesses who brought it to them by calling at their homes, is that correct? A. I can't answer that.



Q. I am talking about the policy as you understood it, prior to November 15, 1939.

Mr. Bruchhausen: It calls for the operation of the mind of the recipient.

The Court: Apparently he can't answer the question. Suppose you reframe it. What he wants to know is whether you know whether that was the policy of Jehovah's Witnesses.

Q. Was it understood amongst Jehovah's Witnesses that the people of "Good Will" depended on Jehovah's Witnesses to bring to them spiritual food in the form of publications of the Watch Tower Bible & Tract Society at their homes, isn't that correct? A. I believe that was understood amongst them, yes.

Q. And that was the practice, isn't that true? A. Yes, sir.

Q. And frequently if a person showed unusual interest, a study was conducted in his home where others were invited, is that correct? A. Right.

Q. And what publications were usually studied, if you remember? A. Books of the organization.

Q. And booklets? A. And booklets, yes.

Q. And Watch Towers? A. I don't know about Watch Towers, whether they were used or not.

Q. What do you hold in your hand? A. A printed copy of the Charter of the Watch Tower Bible & Tract Society, Inc., purporting to be a copy of it.

Mr. Bruchhausen: Which one is that?



Mr. Covington: The Pennsylvania corporation.

The Witness: The Pennsylvania corporation.

Q. Have you ever seen that before? A. Yes, sir, I think I have.

Q. As attorney, were you familiar already with such charters? You were, were you not? A. To some extent, yes.

Mr. Covington: We offer that in evidence.

The Witness: The copy I now have in my hand appears to be a printed copy of the charter of the Watch Tower Bible & Tract Society, Inc., formerly People's Pulpit Association.

The Court: That is a New York corporation?

The Witness: That is the New York corporation.

Mr. Covington: We offer that also in evidence.

Mr. Bruchhausen: No objection to the first one of the Pennsylvania corporation.

(Received in evidence and marked Defendants' Exhibit D-14.)

Q. During the time that you acted as counsel for the Watch Tower Bible & Tract Society, Inc., did you handle a claim in the State Department in behalf of Jehovah's Witnesses against the Government of Germany for confiscating the property of the Watch Tower Bible & Tract Society in 1933?



Mr. Bruchhausen: I object to it.

The Court: The objection is sustained. Exception to the defendants.

Mr. Bruchhausen: No objection to this New York charter.

(Received in evidence and marked Defendants' Exhibit D-15.)

Q. During the time that you acted as counsel for the Watch Tower Bible & Tract Society, you filed a number of libel suits, did you not, in behalf of the organization?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. I do not see the materiality of it. Exception to the defendants.

Q. What do you have in your hand now? A. Well, it is a carbon copy dated April 25, 1939, addressed to O. R. Moyle, no signature.

Q. Did you ever see the original of that? A. Yes, I have.

Q. You have the original? A. I believe I have.

Q. Will you let me have it. A. I do not have it here.

Q. This is correct, though, is it not? A. It looks correct.

Mr. Covington: We offer it in evidence.

Mr. Bruchhausen: I think the defendant will concede that we were never served with a notice to produce.

Mr. Bruchhausen: It is ojected to as incompetent, irrelevant and immaterial.



The Court: Well, the objection is sustained. You may mark it for identification.

(Marked Defendants' Exhibit D-16 for Identification.)

Mr. Covington: That is all.

*Redirect examination by Mr. Bruchhausen:*

Q. You were asked about pending cases after you left Bethel, and in that connection I show you a letter dated August 10, 1939, to Judge Rutherford, or a copy of it. But before doing so I ask the defendant to produce the original.

The Court: Have you the original?

Mr. Covington: I want to look at the letter first.

Mr. Bruchhausen: It is mentioned in our notice to produce.

Mr. Covington: You say it is in your notice to produce?

Mr. Bruchhausen: Yes.

Mr. Covington: Will you verify that.

The Court: Introduce the notice to produce in evidence.

Mr. Covington: Here is the point. We have no objection to it.

The Court: As long as there has been a question raised about the notice to produce and what it contains, I assume there will be something else, so I think it's just as well that it be offered in evidence now as at any other time.

Mr. Covington: We will consent to that going in.

The Court: Have you the original?

Mr. Covington: I haven't had an opportunity to search for it, but I assume it is all right and there is nothing objectionable to the contents and we will let it go in.

Mr. Bruchhausen: I withdraw the offer for the moment and I offer in evidence the notice to produce dated May 6, 1943, addressed by the plaintiff's attorney to the defendants' attorney which, amongst other things—

The Court: It speaks for itself. Has it an admission of service on it?

Mr. Covington: It was served by mail on Saturday before the case began. But we at this time object to the introduction of notice to produce because it is entirely immaterial and irrelevant and has no place before the jury.

The Court: It is immaterial unless there is going to be some question. You asked— On the record you asked this lawyer if it was in the notice to produce. Is there any question about it being in the notice to produce?

Mr. Covington: No.

The Court: If there is, the notice to produce is, in the Court's judgment, relevant.

Mr. Covington: No question about it.

Mr. Bruchhausen: Then I withdraw the offer.

I offer in evidence now the letter just referred to, written by the plaintiff to Judge Rutherford, dated August 10, 1939.



The Court: There is no objection.

Mr. Covington: No objection by the defendants.

(Received in evidence and marked Plaintiff's Exhibit 15.)

Q. You were asked about these people of "Good Will" and they are really members of the general public, are they not? A. Yes, I believe so.

Q. And aren't they those who come in by way of solicitation of the publishers and those who go from door to door? A. Yes.

Q. Are they not in many cases handed copies of the "Watch Tower"? A. Yes, sir.

Q. The publishers, as I understand it, are given a certain number of "Watch Tower" magazines for distribution, free, are they not? A. I believe they do have or did have.

Q. And they are given circulars and literature from the "Watch Tower" organization? A. That is right.

The Court: May I interrupt. You have a bad habit of saying, "I believe." Will you please state whether you know, or whether you don't know, or what is the fact?

The Witness: Very good.

Q. Prior to and up to the time you left Bethel, that was the practice that was pursued, was it not? A. Yes.

Q. And did not a great many of these publishers go around with phonographs? A. They did.



Q. And play the phonograph? A. That is right.

Q. And whose voice was recorded on that phonograph? A. Mr. Rutherford's voice.

Q. And they would be armed with this literature and copies of "Watch Tower," and so forth? A. That is right.

Q. You were asked about this publication issued by "The Dawn." Is that this "Christian Herald" that is spoken of— A. No, sir, that is not.

The Court: What is it?

Q. There is some publication issued by the Dawn Company, is there not? A. The Dawn Company publishes a magazine called "The Dawn."

Q. Has that a large circulation? A. You mean as to circulation or size?

Q. Circulation. A. I don't know its circulation.

Q. Were you ever a member of that organization? A. No.

Q. You do not publish it or haven't published anything in that magazine? A. No.

Q. Or authorized any publication of it? A. No.

Q. This Pastoral organization, that also had a publication, "The Christian Herald," is that it? A. "The Herald of Christ's Kingdom" is the name of it.

Q. And when did you first have any association with that organization? A. Well, it was the latter part of 1940 or the early part of 1941 that I met some of its members and listened to some of its speeches.



Q. Did your first introduction to it come at that time to somebody who called upon you unsolicited by you? Was that it? A. It came about by my attending a convention of the little class of independent Bible students in Lake Mills, where I now attend. Some of the Pastoral Bible student speakers were at that convention. That is where I made their acquaintance.

Q. Do you know what the membership of that organization is? A. I don't know.

Q. Are you an officer or a member of it? A. I am a member of the corporation.

Q. And do they conduct classes? A. The corporation does not.

Q. Is their activity limited to lectures and the distribution of their pamphlet? A. Yes, to lectures, the distribution of the paper and circulation of tracts.

Q. Do either of these organizations to your knowledge announce that they are opposed to Jehovah's Witnesses? A. Not to my knowledge.

Q. And have you ever in connection with any activity of either of those organizations ever announced your opposition to Jehovah's Witnesses?

Mr. Covington: I think it would be better if counsel would not ask leading questions.

The Court: The objection is sustained.

Q. Well, I ask you what, if anything, the policy of those organizations was, as far as you know. A. The policy of the organization, as far as I know, is to present matters concerning the



Bible to people who were interested throughout the country. They print and circulate articles on the Bible, on the teachings of the Bible, and the purpose, as far as I know, is to assist Christians to live better lives and to make their calling and election sure, as the Bible states.

Q. You were asked about your contract with Mr. Brown, a lawyer out in Milwaukee. Do you recall that? A. I do.

Q. Will you tell the Court and jury the circumstances arising out of that contract, or how the contract came about, in substance. A. When I arranged to leave for Brooklyn, I discussed with Mr. Brown the selling of my practice and my place to go over to him. We made a deal. He bought it, drew up the contract, and we executed it. The contract provided that I would not practice in the County, in the two Counties, for ten years.

The contract covered the wide area of two counties, Racine and Kenosha Counties.

On my return I visited Mr. Brown several times and discussed with him the possibility of releasing a part of the contract, a little village in the western end of Racine County. I discussed that several times with him and he did not say no outright, and he did not say yes outright, at first. After the conclusion of several discussions he finally thought that he could not release part of the contract. We discussed the merits of the contract itself and there was a discussion as to the validity of the contract because it covered a larger area of territory than what my practice actually covered, and we had a dispute between us, an honest dispute between us, as to whether



the contract was really legal or not. I suggested to Mr. Brown that we arbitrate the matter, select three reputable attorneys and place it before them and have them decide as to whether or not the contract really was a valid one. He did not want to do that and I suggested the only way we can settle this is through the courts. I will make arrangements to practice there, and you can bring an injunction. He said, "I will bring an injunction if you do that."

Q. You suggested that he bring that proceeding? A. I said that to him.

Q. Before it was brought? A. Yes, sir.

Q. This was a means of testing out the validity of the contract, was it not? A. That is right.

Q. He did go to court and argue out the merits of it? A. Yes, sir.

Q. And after this hearing, why, the court made the ruling? A. That is right.

Q. And you abided by that ruling? A. I did.

Q. Some mention was made about a case that came to you about that time and you appeared in court on. Will you tell us the circumstances of that and as to how you came into the case. A. These three defendants came to me at the place where I was staying, near Wauwatosa, at the home of Mrs. Newman, and asked me to represent them on the case. This Mr. Brown was the attorney. I said I would represent them but they would have to arrange with Mr. Brown first as to whether or not he wanted to continue. I drew up a substitution of attorneys and sent that with them, if I remember right, to Mr. Brown. Meanwhile the case was called on the calendar.

I went down to the court and I remember telling the judge that a substitution was being arranged. Nothing was done on the case. Later on I could not hear anymore from my clients and I dropped the matter.

Q. There was some mention made or a letter placed in evidence addressed to Mr. Philbrick. A. Yes, sir.

Q. Who is he? A. He is one of Jehovah's Witnesses living in Boston. He was the company servant, I think, in the Boston company at that time.

Q. Was there some case pending at that time about which you were negotiating or discussing with him, which also had in it Professor Gardner, of one of the law schools? A. There was a case. It involved the Salute to the Flag question which was pending in Massachusetts then.

Q. Was this correspondence and this discussion on the question of the Watch Tower organization participating—

Mr. Covington: The correspondence speaks for itself. We object.

The Court: Sustained.

Mr. Bruchhausen: I won't press it.

Q. There was some mention made here, I believe, about the Second Death. Can you describe that, as to what that doctrine is? A. The Bible teaches of two deaths. There is one death which is called the adamic death. That is the death which comes to all people because of inherited sin from Adam. "As in Adam all die", so the Scriptures say, "so in Christ shall all be made alive". Then the Scriptures also speak of what



is called The Second Death; that death, we understand, is a death from which there is no Resurrection. It is the death which is described as Judas took part in, where he is called The Son of Perdition. A death from which there is no hope for the future whatsoever. We understand from the Bible that those who die the adamic death do have opportunity for life in the hereafter.

Q. There is some mention made at one time of your clientele, as I recall it, being 10% of Jehovah's Witnesses out in Milwaukee. Do you recall some such testimony? A. I made some statement, yes. That was approximate.

Q. You have had in your experience out there even before going to Bethel many cases or matters referred to you by Jehovah's Witnesses?

Mr. Covington: We object to it.

The Court: Objection sustained to the question. It is leading.

Q. Can you give us any details in connection with that testimony about the number of people or clients that you represented among Jehovah's Witnesses, in Milwaukee, and its relationship to any others. A. Well, the relationship would be in this: My acquaintance with Jehovah's Witnesses and my friendship with them would be an inducement for them to come to me for legal assistance, and very frequently those who were Jehovah's Witnesses, having friends who were not Jehovah's Witnesses, they would recommend me to them for legal services.

Q. And did you find it difficult on returning and getting amongst strangers to acquire a clientele, as distinguished from the places where



there were a great many of Jehovah's Witnesses who were friendly to you? A. It was naturally more difficult, because as a lawyer I could not solicit business, and amongst strangers I did not have much way of making myself known.

Q. Do you recall being shown some stenographic minutes which were produced by the defendant, of this hearing in the Magistrates' Court?

The Court: Arising out of the Madison Square Garden episode, or a portion of it.

Q. Is that correct? A. Yes, sir, I remember that.

Q. To refresh your recollection as to the counsel in the case and who represented the defendants, when I call your attention to page 3 on the record which shows, "For William Heath, Jr., Joseph Wheeless," and under that, "O. R. Moyle"? A. Yes.

Q. And did Joseph Wheeless or Major Wheeless consult with Mr. Rutherford, to your knowledge, before the hearing in court? A. I don't remember Mr. Wheeless being present at any of the conferences, no.

Q. The Judge was acquainted with Wheeless and had been for sometime before that, had he not? A. Yes, sir.

Q. And Wheeless had handled the matter in Philadelphia, had he not? A. That is right.

Q. And some other matters? A. Yes.

Q. Do you recall whether or not you became acquainted with Wheeless through Mr. Rutherford? A. We heard of him, discussed it, and



I went to see him for the first time that we retained him.

Q. At whose suggestion? A. At Judge Rutherford's.

Q. Did Mr. Rutherford pass on the employment of all extra counsel in the case? A. He did.

Q. And did he attend to the matter of their fees and what they should be paid and the payment of them? A. Yes, sir, the bills would come to me and I would pass them on to the organization. If there was any question, he would be the one that would pass on it.

Q. As a matter of fact, even prior to the retention of Mr. Wheeless in the case did you not consider and confer with Mr. Rutherford for the employment of other counsel?

Mr. Covington: I think it would be better if the witness would testify.

The Court: If you have an objection, make it.

Mr. Covington: We do object to that.

The Court: It is leading; objection sustained.

Q. What can you say about any custom, if any, of retaining other counsel? A. There were conferences concerning the hiring of other counsel. It was suggested at one time that a Mr. Leibowitz be secured as counsel in the case.

The Court: He is now Judge Leibowitz, I take it?

Mr. Bruchhausen: That is correct.

A. (Continued) Other counsel were suggested. I don't recall the names.



Q. Whose suggestions were they? A. I suggested additional counsel.

The Court: Is there any question but that Judge Rutherford passed on these things finally—is that what you are getting at?

Mr. Bruchhausen: Yes, that is correct.

The Court: I would like to shorten it if there is no question about it. There is no question but that the final say was Judge Rutherford's or Mr. Rutherford's, whichever it was?

Mr. Covington: That is right.

Q. At that time in 1939 at the trial, you had been admitted to the Bar of the State of New York several years, had you not? A. Yes.

Q. During that time, up to that time you had occasion to supervise or collaborate in cases in many parts of the country, did you not? A. That is right.

Q. It was somewhat the common practice with the organization to have local counsel in its various places?

Mr. Covington: I object to that.

The Court: It is leading, but is it important? If you are making an objection, I will sustain it; but I do not think it is important—

Mr. Covington: There is no dispute about it.

The Court: In outlying places, you had to have local counsel. A man not admitted to the Bar could not represent you there.



Q. At any rate, who was it that suggested that Mr. Wheeless conduct the trial? A. It was Judge Rutherford.

Q. As a matter of fact, the defendants were acquitted later, were they not? A. They were.

Q. Does it refresh your recollection—I withdraw that. Do you recall something was said as to the nature of the charge in this case? A. That was questioned.

Q. Did the examination of the record refresh your recollection as to what happened on that? A. Well, I recall the record there said assault, I believe. My recollection on the charge is not very clear. It seems to me it was a serious charge.

Q. Does this refresh your recollection—

Mr. Covington: I object to it. It is leading and suggestive.

The Court: Let him look at it.

Q. I show you the record and ask you whether it does refresh your recollection on the point I just raised.

The Court: He wants to know what the charge was—is that right?

Mr. Bruchhausen: Yes. There was some question here yesterday about its being felonious assault.

The Court: That is right. He wants to know if that refreshes your recollection as to what the charge was.

The Witness: It does.

The Court: Is there any question about this? The record shows it was "simple assault."

Mr. Covington: In two of the cases—

The Court: There are two simple assault cases.

Mr. Covington: And there was a third one of felonious assault against Mr. Heath. That is the one I was talking about. The two simple assault cases were against Mr. Calangelo and Mr. Orrell, and the felonious assault case was against Mr. Heath.

The Witness: I wouldn't dispute that. I think that is right.

Q. Anyway, you heard some testimony here or possibly you were asked about this incident in and around the courtroom with the attorney McDonald who represented the other side; do you recall that? A. I remember that, yes.

Q. Will you state again just what you did with him in connection with the incident? A. Major Wheeless, Mr. McDonald and myself stepped to one side and conferred concerning the matter of an adjournment. We talked for some little time about that matter, and then other matters came up, and there was some joke made, I do not recall the joke, and all parties laughed at it. It was a conference between attorneys on a friendly basis.

Q. You have been a practicing attorney for many years? A. Yes.

Q. Is it not the practice among attorneys to be courteous and friendly to one another? A. I have always followed the practice of being courteous and friendly with attorneys in cases.

Q. In other words, is it not the opinion of attorneys in the practice that while clients might be antagonistic—



Mr. Covington: Your Honor, it is leading and suggestive.

The Court: Please don't lead.

Mr. Covington: He should let the witness testify.

Q. Will you tell us what the practice is in those respects and has been? A. The practice, as I know it, is that attorneys are not necessarily enemies because their clients may be enemies. Attorneys as a general rule are courteous and friendly, and while they may fight cases strongly in the courts, they do not extend the fighting in the court on the issues of the case to the relationship between them.

Q. Had you ever met Mr. McDonald before? A. No, I had not.

Q. You did not know anybody that knew him? A. No.

Q. That is, he was a total stranger to you—A. He was.

Q. (Continued) —until this incident in the court-room? A. Yes.

Q. Was Judge Rutherford present in the court-room? A. No.

Q. Did anyone after the incident complain to you about friendliness to other counsel? A. Mr. Rutherford himself at an interview later mentioned that I was too friendly with the counsel.

Q. Did he give you any details? A. No.

Q. Did he say where he got it from? A. No.

Q. Did anyone at any time complain that you gave him bad advice? A. No—you mean in those cases?

Q. Yes. A. No.



Q. So that the first time you heard about that question of bad advice was when you saw their answer in this case, a year or so—

Mr. Covington: I object to that. It is leading.

The Court: Objection sustained. Please do not lead.

Q. When is the first time that you ever heard of any contention about that? A. If I remember correctly, the first time was from Mr. Rutherford, either at that meeting where I was discharged or at a previous interview with him, I don't remember which. But he did make the statement that I had advised Orrell to plead guilty, which was wrong, according to him.

Q. Was that the fact? A. No, I did not advise Orrell to plead guilty.

Q. And did you tell him so? A. Yes.

Q. Some document was put in evidence here about joining this organization for life; you recall that, don't you? A. I do.

Mr. Bruchhausen: May I see that?

Mr. Covington: Yes.

The Court: The questionnaire, do you want?

Mr. Bruchhausen: Yes.

The Court: The questionnaire filled out at Bethel is Exhibit I.

Q. While we are waiting, was that paper signed out in Milwaukee in 1933? A. Yes.

The Court: Then you have the wrong exhibit.

Mr. Bruchhausen: This is the one I



am referring to, if your Honor please, of Mr. Moyle.

The Court: Then I have mentioned the wrong exhibit.

The Witness: It was not Milwaukee; Union Grove.

The Court: That is Exhibit B.

Q. That was several years before you went to Bethel? A. About two years before.

Q. And that was before you had acquiesced in the Judge's suggestion that you come on to Brooklyn, wasn't it? A. That was.

Q. There was some correspondence in and about that time or during several years before 1935 from and to the Judge about your coming to Brooklyn? A. He wrote and asked me if I would come to Brooklyn to handle the cases. I answered back that I would like to do so. My son was then in high school, and I couldn't come at that time. He wrote back again and said "Well, fill out a questionnaire. We will keep it on file, and maybe you can come later." That questionnaire was then filled out.

Q. So it was after that time in 1933 when you finally acquiesced in his suggestion of going to Brooklyn? A. Yes.

Q. Did anyone at any time, until you heard it in court, complain to you that you had violated some covenant with the organization? A. This is the first place I heard of it.

Q. Did anyone at that meeting of August 8th exhibit to you any such paper as this and said you had violated a covenant or a contract? A. That wasn't brought up there.



Q. There was no remark or charge made against you about that, was there? A. No.

Q. Referring again to this meeting of August 8, 1939, as I understand it, you were in the dining room in the morning for breakfast when Mr. Rutherford asked you to come up to his room, is that correct? A. That is right.

Q. Did he tell you what he wanted you for? A. He did not.

Q. When you arrived up in the room, did he tell you that you were on trial? A. He did not.

Q. Did he tell you that there were any charges against you? A. No.

Q. Did he give you or tell you that you would have any opportunity to produce any papers or witnesses or anything of that kind? A. No.

Q. What is the first thing that happened when you got in, on August 8th, in that room? A. He asked his secretary to read my letter of July 21st.

Q. And then what occurred? A. After the letter was read, he asked each one of the assembled directors to make comments thereon. They did. They all condemned me for writing the letter.

Q. Then did he suggest the appointment of a committee?

Mr. Covington: Your Honor, I think this is all leading.

Mr. Bruchhausen: I withdraw that.

Q. Then what occurred? A. Then Sullivan made the suggestion or a motion that a committee be appointed, and a committee was appointed. They retired to another room along with Mr. Heath who also went with them.



Q. Before they retired, did they have any papers or books with them? A. Heath had a Bible in his hands.

Q. Did you see anything in the Bible, any papers or anything like that? A. I believe there was a sheet in the Bible. I remember seeing a loose sheet in the Bible.

Q. Then at some stage there, Mr. Rutherford made a statement, did he not? A. After the committee returned.

Q. And did he have before him to your knowledge any papers or documents that he was referring to while this was going on? A. He had a paper in his hand, yes.

Q. Did you make any comment at all—I think you just said you told him that the letter spoke for itself? A. That is my recollection, yes.

Q. What was the attitude of the Judge during this proceeding?

Mr. Covington: Your Honor, that is calling for a conclusion and opinion of the witness. He can tell what was said and done. And also it is argumentative.

The Court: I think you are right.

Q. Can you tell us any details about how Mr. Rutherford acted?

Mr. Covington: Same objection.

The Court: Objection sustained.

Q. Did he talk in a low voice or in a high voice?

Mr. Covington: I object to it as leading and suggestive. He ought to be able to tell what happened.

The Court: I will permit him to answer that. Exception to the defendants. Did he talk in a loud or a low voice?

The Witness: At first, quiet. As the meeting progressed and towards its close, his voice rose in intensity and volume.

The Court: What, if anything, did you notice from his attitude?

The Witness: His attitude was very antagonistic towards the end of it.

Mr. Covington: Exception. I ask that that part be stricken out because it is argumentative and a conclusion and opinion.

The Court: You have your exception.

Mr. Covington: We except.

Q. You were questioned as to why, prior to the writing of the letter of July 21st, you did not make complaint, as I understand it, to the Judge? A. Right.

Q. Can you tell us any reasons for that? A. Well, there were a couple of reasons. I felt it wasn't my job to correct the organization or clean it out, and furthermore, from what I had seen—

Mr. Covington: That is repetition, may it please your Honor, and in addition to that, he ought to tell what he did and not go into what is back in his mind.

The Court: I will sustain it on the first objection because I think you have been all over that.

Mr. Bruchhausen: I wanted to ask a few questions—



The Court: Ask any question you want. If there is an objection, I will rule on it. I will sustain the objection to that question as not proper re-direct examination.

Q. You were asked about some matters mentioned in this letter of July 21, 1939; you recall that? A. I was, yes.

Q. I call your attention to a mention you made there about J. Y. MacAulay. I do not believe anything was said about that yesterday. Can you tell us what that occurrence was and the details about it?

Mr. Covington: That is a repetition, if your Honor please.

The Court: I am not certain whether it is or not. Are you certain it is?

Mr. Covington: I am not positive, but I remember inquiring of him about the discussion on the "Watch Tower."

The Court: But I have not heard the name MacAulay. I am going to overrule the objection on the ground that I am not certain. You may ask the question.

The Witness: There were two scoldings given to MacAulay. One was shortly after we came there. The cause of it was prior to our coming there, but from the conversation at the time the scolding took place, it appeared that MacAulay had asked some letter to be returned concerning some actions of C. J. Woodworth, and Judge Rutherford scolded MacAulay very, very severely—



Mr. Covington: That is a conclusion and opinion, if your Honor please. We move to strike it out.

The Court: Strike out the latter part where he said "Judge Rutherford severely scolded MacAulay."

The Witness: He told MacAulay that he was butting in on things which were no concern of his, that if he continued to do such things, he had better pack up and get out. His voice was loud and strong.

Q. Where did this take place and about when? A. It took place in the dining room.

By the Court:

Q. Shortly after you got to Bethel, you said? A. Shortly after I got to Bethel during the mealtime.

By Mr. Bruchhausen:

Q. You were how far away from Mr. Rutherford at that time? A. I was two tables over from him.

Q. So you had no difficulty in hearing him? A. Not the slightest.

Q. You mentioned also in the letter an incident about Worsley? A. Yes.

Q. Tell us about that. A. Worsley was a young man who sat at my table. He had some position in the Brooklyn unit of the company, and the Judge spoke to him one day at the dinner table very roughly and in a loud tone, and accused him of going forward on his own hook preparing a paper or list of Scripture citations



and giving it to the members of the Brooklyn unit without his authority. He scolded him. He made reference to the fact that he was English, and that the English always considered themselves altogether too smart and running ahead, and removed him from the official position which he had with the Brooklyn unit. And the thing which he did was giving this paper with Scripture citations on to help the members of the unit in their work of calling on the people.

Q. Did you state when and where this took place? A. This took place at the dinner table while the family were eating dinner.

Q. About when? A. That was about the third year I was there.

Q. What was his tone of voice then? A. Angry and loud.

Q. You said something here in the letter about the statement that there were no bosses in the organization. What are the details about that? A. The Watch Tower would frequently make that statement. Mr. Rutherford himself would frequently say that there are no bosses in the organization.

Q. You heard that during the course of time you were at Bethel? A. Yes.

Q. Some mention was made that you never attended Bible classes, do you recall that? A. I remember the statement.

Q. What are the facts about that? A. It isn't true. I did attend meetings. I wasn't there as frequently as the others. My work kept me pretty busy. I was out away from the factory quite frequently, and I did not attend meetings as regularly as the rest did.



Q. You mentioned something about Mr. Rutherford spending a portion of the week in the country. What are the details about that? A. At the time I was there, it was his practice to be at the Bethel the first three days of the week from Sunday or Sunday evening until about Wednesday. Then he would go to the country residence on Staten Island for the rest of the week.

Q. Some mention was made about your giving a copy of the letter to your sister, Mrs. Rouse? A. Yes.

Q. What were the facts about that? A. Mrs. Rouse wanted to know why we came back, all the details—

The Court: Haven't we been all over that to your satisfaction?

Mr. Bruchhausen: I did not think so in this particular detail.

The Court: There has been no objection, but it is my recollection you went all over that.

Mr. Bruchhausen: I thought it was brought out on cross-examination, and I wanted to clear up one or two points.

Q. Did you tell your sister to broadcast this or deliver copies— A. I did not. I authorized her to send it to two families that she requested me, a Rounds and Early, who were friends of both of us. I did not authorize her to send it to any others.

Q. Reference was made about this printed letter of September 25, 1940; you recall that, do you not? A. Yes.



Q. That was more than a year after you had left Bethel? A. That was.

Q. You know, do you not, that in addition to the publication in the "Watch Tower" of the article about your unfaithfulness on September 1, 1939, and the "Information" article on October 15, 1939, and the "Snares" article on November 15, 1939, that the "Watch Tower" continued to publish other letters, did they not?

Mr. Covington: We object to that. The letters would be the best evidence.

The Court: Objection sustained.

Q. You recall the article in the "Watch Tower" of December 15, 1939, do you not, written by your son? A. Yes, I remember that.

Q. Then also you recall letters in the "Watch Tower" of July 1, 1940, do you not, and I particularly refer to one entitled "The Channel the Lord is Using," one entitled "Resolution," and one entitled "In Harmony with Action Taken"? A. I cannot quite recall them—

Q. In that connection, I show you a copy of the "Watch Tower" of July 1, 1940, and ask you if you recall those articles.

Mr. Covington: Your Honor, these are not in reference to any matters we went into on cross-examination.

The Court: He just asked him to identify it.

The Witness: Yes, I remember that now.

Mr. Bruchhausen: I offer those three articles in evidence.

Mr. Covington: I do not see that they

are fairly an answer to anything that we went into on cross-examination.

The Court: The objection is overruled and exception to the defendants. Mark the three as one exhibit.

(The three articles referred to were received in evidence and marked Plaintiff's Exhibit 16.)

(Mr. Bruchhausen reads the first article of Plaintiff's Exhibit 16 to the jury.)

Q. Do you know who they were? A. I do not know them.

(Mr. Bruchhausen reads the second and third articles of Plaintiff's Exhibit 16 to the jury.)

Mr. Bruchhausen: And I assume that 160,000 copies of that went out on July 1, 1940?

Mr. Covington: No objection.

Q. Up to 1940, you had done what in connection with letters to different people, whom were they to? A. My personal friends, my close friends, I wrote to them and briefly told some of them that I was still loyal to the organization, that I wasn't waging any warfare against it. To some very close friends, and especially those who requested it, I gave a copy of the letter. Then letters began to come in and from time to time from others of Jehovah's Witnesses, and as testified here, I prepared a statement and mailed to them. I did not send them a letter. That was the procedure for a course of time.



Q. Subsequent to these articles in the "Watch Tower" of December, 1939, and July 1, 1940, was there any difference in the situation as far as the attitude of people out there was concerned? A. The attitude of avoidance—

Mr. Covington: I object to this. This is repetition.

The Court: You cross-examined for a day and a half. My recollection is he did say it, but I see no reason to object in case my recollection is wrong.

Q. Did you give the answer? A. That attitude of coldness, of antagonism, grew steadily until as it stands today, hardly one will speak to me.

The Court: Yes, now I recognize he did testify to that.

Q. You never published your letter in any newspaper or magazine or anything of that kind, did you? A. No.

Q. Or authorized its publication? A. No.

Mr. Bruchhausen: That is all.

*Recross-examination by Mr. Covington:*

Q. Did you publish the substance of it in any newspaper or magazine? A. Not the substance of it, no.

Q. I am talking about afterwards.

Mr. Bruchhausen: When?

Mr. Covington: After 1939.

The Witness: No.

Q. What court was this action brought in



against you for injunction to restrain you from practicing law in Kenosha and Racine Counties? A. Circuit Court of Milwaukee County.

Q. What was the style of the action? A. It was an action for injunction.

By the Court:

Q. Don't you call them special proceedings for an injunction? A. No. In Wisconsin we call it an action in equity.

By Mr. Covington:

Q. Do you have any of the papers in that case? A. Not here.

Q. What was the style of it? What was the name of the parties? A. "H. H. Brown, plaintiff, Olin R. Moyle, defendant."

Q. And were you served with papers? A. Yes.

Q. You did not enter an appearance voluntarily without service of papers, did you? A. No.

Q. You say that you felt that the contract was too broad, is that so? A. Yes.

Q. Why was it too broad? A. Because I felt that it took in more territory than the actual practice covered.

Q. What territory did it take in which your practice did not cover? A. Portions of the two counties; the western portion of the county and the southern portion of the county I had practically no practice in.

Q. And was that the basis of your defense? A. That was.



Q. The two counties were in your contract, of course? A. Yes.

Q. Were you restrained from practicing in any portions other than the counties, that portion of the county not covered by your practice— A. Will you state that again?

Q. Were you restrained from practicing in those portions of the county covered by your practice?

By the Court:

Q. Did the injunctive relief cover the whole of both counties? A. The injunctive relief covered both counties, yes. He won the case.

By Mr. Covington:

Q. Did you know that McDonald was the disturber in the Garden? A. I heard statements to that effect, that he was one of those with them.

Q. That did not affect your friendliness at all at the hearing, did it? A. No.

Q. You said that at an interview later on, that the Judge brought up this matter of your advising some of the boys to plead guilty? A. My recollection—

Q. Yesterday I asked you if you had an interview with the Judge, and you said you did not.

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Q. Do you recall what you testified yesterday as to when it was that you had an interview with the Judge in reference to the Madison



Square Garden controversy, after the hearing on July 11, 1939?

The Court: He testified either that day or the next day, if my memory serves me right.

The Witness: I believe that is what I did testify, yes.

The Court: He said either that day or shortly afterwards.

Q. And was it on that occasion that the Judge raised that question? A. No, I don't recollect that it was.

Q. When was it? A. He raised that question the day or so before I went on vacation, July—

By the Court:

Q. Shortly before July 21st? A. Yes.

By Mr. Covington:

Q. When the Judge announced that there would be a meeting of the Board of Directors and announced that you should attend, you did not suspect what was going to take place, did you?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Q. Did you suspect what the board was going to take into consideration? A. Yes.

Q. You did suspect that? A. Yes.

Q. And what was it? A. I suspected action would be taken concerning that letter.

Q. Is it not a fact that you knew that the mat-



ter would be ultimately brought before the Board of Directors and the Bethel Family the day that you deposited the letter with the Judge? A. I suspected it.

Q. And you expected it, too, did you not, in due time? A. I don't know whether I would say expected it. I suspected that might happen or I suspected that possibly I would be called in to talk with the Judge.

Q. Did you not tell John Miller that on your way back from Eagle Lake, where you spent your vacation, that you would throw your hat in the front door, and if it did not come out, why you would go in, is that right? A. I don't remember making such a statement.

Q. What did you tell him? A. I don't remember anything of that sort.

Q. What did you tell him regarding the fact of what you expected when you got back? A. I don't remember telling him anything about what I expected.

By the Court:

Q. As I understand your testimony, you said you expected you would either hear from the letter in the general assembly or from Judge Rutherford personally concerning your letter? A. Yes.

Mr. Covington: That is all, except we would like to read the letters that we offered in evidence yesterday to the jury.

Mr. Bruchhausen: I do not know whether that testimony was about the general assembly.

The Witness: No, the Board of Directors.

The Court: Is that all now on both sides?

Mr. Bruchhausen: I wanted to ask one or two questions.

*Redirect examination by Mr. Bruchhausen:*

Q. In connection with that injunction suit, did you have legal authority upon which to base your contention before the Court? A. Yes, I had counsel representing me in the case.

Q. And cited it to the Court for consideration? A. Yes.

Q. You did not know, in connection with this being called in to the Judge or to the board, but what it might be a discussion about the letter, is that right?

Mr. Covington: Your Honor, that is leading and suggestive.

The Court: It is leading and suggestive.

Q. But you did not know what the nature of the meeting would be? A. No.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all, except we want to read our exhibits.

(Witness excused.)

The Court: Go right ahead. You are now going to read such exhibits as have not been read before?

Mr. Covington: That is right—unless counsel has other witnesses at this time.



The Court: That is the end of the plaintiff's case?

Mr. Bruchhausen: Yes. We are reserving any rebuttal.

The Court: You do not have to reserve that. You have that as a matter of right.

Mr. Bruchhausen: The plaintiff rests.

Mr. Covington: We will read our evidence to the jury.

The Court: How many letters are you going to read now?

Mr. Covington: I have about fifteen or twenty that were circulated before September 15th, and I want to read those that have been offered in evidence.

The Court: You say you have fifteen or twenty?

Mr. Covington: There is some fifteen or so. I have a whole envelope full of exhibits that I introduced, letters written.

The Court: You are not going to read the long letters again where they have been read once, are you?

Mr. Covington: No, I am not going to read anything that I have already read.

The Court: Go right ahead.

Mr. Covington: The first exhibit that is read will be the one which the plaintiff neglected to read, the article entitled "Snares," which was introduced by him, and I will now read that to the jury.

Mr. Bruchhausen: I object to counsel's characterization—

The Court: You may not read that



now. You may read your own exhibits, and in your own case you can read anything else that you want that is in evidence. Read your own exhibits now.

Mr. Covington: All right.

The Court: And please read your exhibits without any comment, just giving the number on each exhibit.

Mr. Covington: We take our exception to the refusal of the Court to permit me to read the article "Snares" at this time.

The Court: I have already told you you have an exception to every adverse decision against you. I have told both counsel that. Now if you want to make any speeches, make them some place else.

Mr. Covington: I will now read Defendants' Exhibit Y.

(Mr. Covington read Defendants' Exhibit Y to the jury.)

Mr. Covington: I read now Defendants' Exhibit D-6.)

(Mr. Covington began to read Defendants' Exhibit D-6 to the jury.)

The Court: I think you read that one yesterday.

Mr. Covington: That is right, your Honor, I did. I will now read Defendants' Exhibit P.

(Mr. Covington read part of Defendants' Exhibit P to the jury.)

Mr. Covington: Now this is Defendants' Exhibit O.



(Mr. Covington reads Defendants' Exhibit O to the jury.)

Mr. Covington: Now this is Exhibit N, and it is identical with the one that I just read. So there is no need to repeat it. Now Exhibit M.

(Mr. Covington reads Defendants' Exhibit M to the jury.)

The Court: I wonder if you would rather have an opportunity to line them up and then read them to the jury. Perhaps you can save some of your own time and energy.

Mr. Covington: I think so, about five minutes.

The Court: Do you want a five-minute recess?

Mr. Covington: Yes, it would help out if we did that.

The Court: All right, the jury can take a five-minute recess. It will save a lot of time.

(Short recess.)

Mr. Covington: This is a letter dated July 25, 1939, from Mr. Moyle to Mr. Philbrick.

(Mr. Covington reads letter to the jury.)

Mr. Covington: Another one dated July 28, 1939, to Mr. H. L. Philbrick from Mr. Moyle.

(Mr. Covington reads letter referred to, to the jury.)

(Mr. Covington: Another dated August 15, 1939, to Mr. Philbrick.)



(Mr. Covington reads same to the jury.)

Mr. Covington: Another dated August 28, 1939, to Mr. Philbrick.

(Mr. Covington reads same to the jury.)

Mr. Covington: One dated August 18, 1939, addressed to Grover C. Powell, Atlanta, Georgia.

(Mr. Covington reads same to the jury.)

Mr. Covington: One dated September 5, 1939, to J. R. Miller.

(Mr. Covington reads same to the jury.)

Mr. Covington: A letter dated September 1, 1939, to R. H. Barber.

(Mr. Covington reads same to the jury.)

Mr. Covington: Another dated September 1, 1939, addressed to William C. Shook, Jr.

(Mr. Covington reads same to the jury.)

Mr. Covington: A letter dated August 17, 1939, addressed to Harry L. Parkhurst.

(Mr. Covington reads same to the jury.)

Mr. Covington: And the reply to that dated August 31, 1939, addressed to Mr. Moyle, reads as follows:

(Mr. Covington reads same to the jury.)

Mr. Covington: One dated October 19, 1939.



(Mr. Covington reads same to the jury.)

Mr. Covington: And a letter dated September 11, 1939, addressed to C. F. Froberg.

(Mr. Covington reads same to the jury.)

Mr. Covington: Those documents that I have just read are Defendants' Exhibit U.

Another dated August 11, 1939, entitled "En route to Wisconsin," addressed to "Brother Chambers." It is Exhibit D-9.

(Mr. Covington reads same to the jury.)

Mr. Covington: A letter dated September 16, 1939, signed by Phoebe Moyle.

(Mr. Covington reads same to the jury.)

The Court: Have you many more?

Mr. Covington: I have a good many more, and I can continue as long as the Court desires that I continue.

The Court: How many more have you?

Mr. Covington: I have 8, 9—

The Court: They are all in evidence. Have you any purpose in reading them all right now?

Mr. Covington: The purpose is to get the jury acquainted with the facts.

The Court: Do you wish to read them at this moment?

Mr. Covington: Yes, sir, so that the Court and the jury may know—

The Court: I have read them, but if

you want to read them to the jury, you can go ahead.

Mr. Covington: They have to be read to the jury some time.

The Court: I thought some time during the trial we might have a wait, and that might be a good time. But if you wish to read them to the jury at this particular moment, you can go right ahead.

Mr. Covington: Yes, sir. January 5, 1940, a letter addressed to Mr. K. H. Barber.

(Mr. Covington reads same to the jury.)

Mr. Covington: And to that is attached a letter dated January 8, 1940, which reads as follows:

(Mr. Covington reads same to the jury.)

Mr. Covington: Another one entitled "Which Is Supreme, Righteousness or Organization?"

(Mr. Covington reads same to the jury.)

Mr. Covington: Then "God Is Not the Author of Confusion," Exhibit D-3.

(Mr. Covington reads same to the jury.)

Mr. Covington: Now the application of Olin R. Moyle, questionnaire.

(Mr. Covington reads same to the jury.)

Mr. Covington: Then the Exhibit No. W, which has been read, and a letter dated February 1, 1940, to Fred and Jessie Aebly, and one dated January 8, 1940. The one of February 1st as Exhibit X, and it reads as follows:

(Mr. Covington reads same to the jury.)



Mr. Covington: The next one of January 8th is as follows:

(Mr. Covington reads same to the jury.)

Mr. Covington: Then a letter dated September 27, 1940, to Mr. Fryklund. To that is attached the open letter of Harvey Fink, and the open letter printed by Mr. Moyle. Then the statement of Phoebe Moyle, which is the same, practically. There are a number of other letters but I will reserve reading them.

The Court: No, you will read them right now. I asked you an hour ago if you didn't want to reserve it until some other time, and you said you wanted to read them right now.

Mr. Covington: May I check and see if that is all?

The Court: Certainly, you may do anything you want.

Mr. Covington: That is all.

The Court: Do you want to read "Snares"? Here is Plaintiff's Exhibit 5. If you want to read it now you can read it now or at any time you want to.

Mr. Covington: I believe that I will read it later, because my voice is giving out.

The Court: You can read it at any time you want to. Then the Plaintiff rests.

Now I will see both counsel a minute.

(Counsel confer with the Court.)

The Court: I will excuse the jury until ten o'clock Monday morning. Please be



prompt and please do not discuss the case over the week-end.

(The jury thereupon left the courtroom.)

Mr. Covington: At this time the defendants, the two corporations, and the individual defendants, all the defendants, move for a dismissal and non-suit of the action brought by the plaintiff and that the jury be accordingly directed on and for the following grounds:

1. The plaintiff has failed to establish his case by any evidence.

2. The undisputed evidence shows that the plaintiff has failed to establish the truth of his charges made in the letter and therefore shows conclusively that he is a libeler as charged in the article entitled "Information" and as mentioned in "Snares." The undisputed evidence shows that there is justification and truth established of both charges made under the first cause of action and the second cause of action.

3. The undisputed evidence shows that the relationship between the Watch Tower Bible & Tract Society, Inc. and the Watch Tower Bible & Tract Society of Pennsylvania with Jehovah's Witnesses is a privileged relationship and that the communication described in the October 15th Watch Tower entitled "Information" and in the November 15th Watch Tower entitled "Snares" were published and circulated



for the information, use and benefit of Jehovah's Witnesses upon a subject matter in which the Society and the defendants in this case had an interest and duty to divulge, and upon a subject matter in which Jehovah's Witnesses, the recipients of the magazines, had the right to receive. That there has been absolutely therefore no evidence whatsoever of any malice, and no evidence upon which to base a verdict upon the question of malice, and for that reason the plaintiff has failed to establish a case.

4. The undisputed evidence shows that the article entitled "Snares" and the article entitled "Information" described in the complaint, were published and circulated in self defense and that the defendants were justified in making the reply because it was in fair answer to and in self-defense to the letter circulated by the plaintiff.

5. That the evidence shows the publication was fair comment upon the acts and conduct of the plaintiff and that was established in respect of the October 15th "Watch Tower" and November 15th "Watch Tower."

The Court: Are those your grounds?

Mr. Covington: Those are our grounds. And I may say this. It is understood, of course, that it is directed to both causes of action alleged in the complaint.

The Court: The record may so indicate.

Mr. Covington: May I say to your



Honor that I am in a position to argue this matter and I have exhaustively made a research of the law and am ready to argue the case if the Court desires to hear argument. I do not want to impose myself on the Court if the Court does not desire to hear argument. But I make this motion in the interest of the defendants and upon the law.

The Court: The motion is denied as to the first cause of action as to all defendants. As to the second cause of action, the motion is denied as to the corporate defendants and decision is reserved as to the individual defendants. Exception in all events to the defendants.

I want all requests to charge by Wednesday. I want all exhibits cleaned up by Monday, and I want counsel Monday after recess to look at the exhibits of the other side and see that they are cleaned up; in other words, to see that all the pencil markings are out and in shape to go to the jury if we get that far.

(Whereupon, an adjournment was taken until Monday, May 17, 1943, at 10 o'clock a.m.)



Brooklyn, N. Y. May 17, 1943.

Ten o'clock a. m.

(TRIAL RESUMED.)

The Court: First witness, please.

Mr. Covington: C. H. Ellison. If your Honor please, we have the witnesses from out of town and from Wisconsin, and I would like to call them out of order so that they may be excused.

The Court: You certainly may. We will be delighted.

C. HILTON ELLISON, 2175 North 62nd Street, Wauwatosa, Wisconsin.

*Direct examination by Mr. Covington:*

Q. You are one of Jehovah's Witnesses, are you? A. I am.

Q. And in addition to being one of Jehovah's Witnesses, do you follow some secular occupation? A. Yes, sir.

Q. What concern are you connected with? A. I am connected with Allis-Chalmers Manufacturing Company in West Allison, Wisconsin.

Q. In what capacity? A. Supervisor in the purchasing department.

Q. How long have you been one of Jehovah's Witnesses? A. Since 1910.

Q. And what company are you associated with? A. Associated with the Milwaukee company of Jehovah's Witnesses.

Q. And how long have you been associated with that company? A. Ever since I was—since 1910.

Q. And in what capacity do you serve the Milwaukee company of Jehovah's Witnesses? A. I serve the Milwaukee Company of Jehovah's Witnesses as company servant.

Q. Explain to the jury what company servant is. A. A company servant is a representative of the Society in Brooklyn, and through the company servant all the information and instruction comes for the company, and this information is given to the company through the company servant.

Q. Do you preside at all assemblies of the congregation? A. I do not.

Q. What assemblies of the congregation do you preside at? A. I preside at the service meeting on Wednesday night at our Kingdom Hall and also at a Tuesday evening meeting.

Q. And do you have the Watch Tower study too, and when is that? A. We have a Watch Tower study Sunday evening at Kingdom Hall at 7:45.

Q. How long have you known the plaintiff, O. R. Moyle? A. Ten or twelve years.

Q. And how did you become acquainted with Mr. Moyle? A. I became acquainted with Mr. Moyle through the activities in the Watch Tower Bible & Tract Society.

Q. And what company was he associated with when you became acquainted with him? A. He was associated, I believe, with the Racine company.

Q. And did he ever make any speeches or talks to the Milwaukee company? A. Yes, he was an elder in the Milwaukee company for a year or more.



The Court: Don't you think he should fix the time of this?

Mr. Covington: Yes.

Q. And when was that? A. This was probably in 1933 or 1932.

Q. And do you remember when Mr. Moyle and his family came to Brooklyn to join the headquarters staff of the Society? A. I do.

Q. And during that time did you have occasion to see Mr. Moyle on occasional intervals during the years that he was at Bethel? A. During the vacation periods, the Moyle family would usually come to Wisconsin.

Q. And you remember in 1939 learning that Mr. Moyle was returning to Wisconsin? A. I do.

Q. How did you learn that, please? A. I learned that through Harvey Fink.

Q. And when was that? A. It was at least a month before they came back.

Q. And what conversation did you have with Mr. Fink in regard to Mr. Moyle's return? A. I had a good many conversations with him, and the fact that he was rearranging his office to accommodate Mr. Moyle was one of the ways in which I learned that Mr. Moyle and family were coming to Wisconsin.

Q. And in what capacity did Mr. Fink serve the Society? A. He was zone servant.

Q. Did that cover a greater region of territory than you served? A. It did. The zone covered what was known as Zone No. 1 in Wisconsin, which took in several cities besides Milwaukee.

Q. When was the first time that you saw Mr. Moyle after he returned from Brooklyn? A.



When he attended one of our Sunday evening meetings.

Q. And at that time did you know why Mr. Moyle was back from Brooklyn? A. I did not.

Q. Did he make any effort to explain to you why he was back from Brooklyn? A. When I greeted him at the hall, I told him I understood that he was going to take up his residence in Milwaukee or Wauwatosa, and he said yes, that was true. He said he had left Bethel. In fact, he said he was kicked out of Bethel.

Q. And did Mr. Moyle continue to associate with the company after he returned to Milwaukee? A. He did. He assured me that—he assured me that he was in perfect harmony with the Society and that he desired to cooperate in every way with the Milwaukee company and in the service work.

Q. Did you and others of Jehovah's Witnesses have a high regard for Mr. Moyle while he was associated with the Society? A. I did, yes, sir.

Q. And did you believe what he told you, that he was in full harmony with the Society, at the time he told you? A. I did, yes, sir. He had me fooled for a long while.

Mr. Bruchhausen: I move to strike that out.

The Court: Strike it out. Please answer the questions and render no opinions here. Counsel for the defendants will ask you what he wants to ask you.

Q. When did you first notice—what effect, if any, did Mr. Moyle's presence in the Milwaukee company have upon the brethren there? A.



There were many questions that were asked by different ones as to why he was in Wisconsin when there was so much legal work to be done in Brooklyn and he belonged there to take care of the Society's legal work. Therefore, the questions were asked as to why he was in Milwaukee.

Q. And do you remember whether or not Mr. Fink and Mr. Moyle attended a study in the home of one of Jehovah's Witnesses in Milwaukee during that time? A. There was a study—

Mr. Bruchhausen: If your Honor please, may we have the date?

The Court: Yes. You say "during that time."

Mr. Covington: During the time of August, September—

Mr. Bruchhausen: I object to leading questions. Let the witness testify.

The Court: Objection sustained. Can you fix the time first? Ask him.

Q. Can you fix the time of such studies? A. The time of such studies would be from the time he returned to Milwaukee through September, October, 1939.

The Court: May I interrupt one minute? This first meeting that this witness has described, I think you ought to fix approximately the time of that for the record.

Mr. Covington: Yes.

Q. When was the first meeting that Mr. Moyle attended at the congregation of Jehovah's Witnesses in Milwaukee, the approximate time? A.



As far as I can remember, it was the first Sunday after they returned to Wisconsin.

Q. And when was that, approximately? Was it the month of August? A. It was during the month of August.

By the Court:

Q. 1939? A. 1939, yes, sir.

By Mr. Covington:

Q. Were the studies in Milwaukee conducted under your supervision, Mr. Ellison? A. The service meeting.

Q. And the book studies at the various homes? A. Yes, sir.

Q. What effect, if any, was had upon the study in the Fink home attended by Mr. Moyle?

Mr. Bruchhausen: The date, please?

Q. (Continued) During August and September, 1939.

Mr. Bruchhausen: I would like to have it separated.

Q. (Continued) Say August, 1939. A. In August, 1939—of course, I cannot fix the exact month—

The Court: We are not asking you to fix the exact date. Your best recollection will serve all purpose here.

A. (Continued) To the best of my recollection, the conductor of this meeting at the Fink home raised objections to the manner in which questions were asked in the meeting. Questions



not along the line of the subject to be studied were interposed by the Moyle group, and, therefore, the proper attention could not be paid to the lesson that was assigned.

Mr. Bruchhausen: I move to strike out the conclusions of the witness.

The Court: Strike out the conclusions of the witness. And by "the Moyle family" whom do you mean—or "the Moyle group"?

The Witness: That would be Mr. and Mrs. Moyle and Mr. and Mrs. Hirsch and Mr. and Mrs. Fink.

Q. Mr. Ellison, on or about September 6th—whether that is the exact day or not, I do not know—but do you remember the occasion that Mr. Moyle read a public statement before the Milwaukee congregation? A. I do.

Q. What, if anything, do you recall in that regard? What meeting was it? A. This was at one of our service meetings, as I recall.

Q. And what day of the week was that on? A. On a Wednesday.

Q. Tell us, please, what took place on that occasion, who was presiding at the meeting, and what was said and done? A. I was presiding at that meeting as company servant, and during the meeting Mr. Fink took over part of it and said that because of the fact that he had received many inquiries as to why Mr. Moyle was in Milwaukee, he would give him a chance to tell the Milwaukee friends why he had left Brooklyn.

Q. If you cannot remember all of it, you can

tell us the substance of what you do remember concerning what Mr. Moyle did and said. A. I remember the letter, parts of it, in which he said he had left the Bethel home because of discrimination shown by Judge Rutherford, that some of the Bethelites were given more privileges than others, that liquor was served at Bethel, and also that shady stories were told at the table.

Q. And after that—may I ask you, first, please, the service meeting, what sort of a meeting is that? A. A service meeting is one at which the "Informant" is gone over and ways and means to better serve Jehovah God are gone into, reports are read, and the betterment of the service is considered.

Q. And what do you mean by "service" and "Informant"? A. The "Informant" is a paper that is sent to us monthly by headquarters by the Society giving certain information regarding the house-to-house work that is going on throughout the world, and showing us how we can better serve Jehovah God. These points are gone over, and wherever it is possible, they are put into effect in the Milwaukee area.

Q. That is usually attended by active house-to-house publishers, is it not? A. Yes, sir.

Q. What effect, if any, did the reading of the Moyle statement to the company have thereafter? A. This seemed to or it did bring more uneasiness in the minds of the friends, and they took sides, some with Moyle and some with the Society. The division seemed to be very much marked after this particular incident.

Q. At that time did Mr. Moyle state his allegiance to and loyalty to the Society in addition to the charges made? A. He did.



Q. What effect did that have upon the minds of the brethren involved? A. Well, it seemed very queer to the different ones that one who was in perfect harmony with the Society should leave and come to Milwaukee and leave his work.

Mr. Bruchhausen: I object to that and move to strike it out as a conclusion.

The Court: I will allow it to stand. It is his conclusion, but it has already been answered. I will allow it to stand.

Q. How long did Mr. Moyle continue to associate with the Milwaukee company, please? A. He continued to associate with the Milwaukee company long into the first part of 1940, probably February or March.

Q. Did he during that time demonstrate by his course of action opposition against the Society and the company there? A. By the different letters that had been—

By the Court:

Q. Did he? A. Yes.

By Mr. Covington:

Q. And what was it, please?

The Court: How did he?

Q. How did he, please?

The Witness: Will you state that question again?

The Court: Read it.

(The question was repeated by the reporter.)

Mr. Bruchhausen: Has the time been fixed? He says "during the time".



The Court: During the time that he was a member of the Milwaukee company after he returned from Brooklyn.

Mr. Covington: That is right.

A. Yes, I would answer that, because of the fact that letters had been circulated in and around Milwaukee to that effect.

By the Court:

Q. You know that of your own knowledge? A. I do.

By Mr. Covington:

Q. Do you recall the occasion that Mr. M. A. Howlett of Brooklyn paid a visit to the Milwaukee company, please? A. Yes, sir.

Q. Do you remember when that was, Sunday or a week day? A. It was Sunday.

Q. Do you recall approximately the date? A. It was either the 24th or 25th of September.

Q. Did you receive notice from the Society to hold such a meeting? A. I received a letter from the Society in Brooklyn telling me that M. A. Howlett was to visit Milwaukee on a very special mission.

Q. Tell us what took place at the meeting and who was gathered there from the time that Mr. Howlett arrived until the meeting was adjourned, if you remember?

The Court: That is on September 24th or 25th, 1939?

Mr. Covington: Yes.

A. Mr. Howlett arrived in Milwaukee at my home and requested that we call a special meet-



ing of the Milwaukee company for that afternoon at four o'clock. This was done. At that meeting Mr. Howlett presided and asked me to read a letter that he had, and in this letter removed H. H. Fink as zone servant and appointed M. A. Howlett as temporary zone servant. Mr. Howlett then gave us a talk on the shaking that was going on through the Lord's organization, in which he said everything—he quoted Scripture showing that everything that could be shaken would be shaken out.

Q. And did he mention anything concerning the activity of Mr. Moyle in the region and refer to it and also as to his conduct at Bethel? A. He did.

Q. I show you Exhibit 1, "Information," and ask you if you have ever read that (handing to witness). A. Yes, sir.

Q. And do you recall whether or not Mr. Howlett read that same article at the meeting that you have mentioned? A. As I recall it, that article was read by Mr. Howlett at the meeting on September 24th or 25th.

The Court (addressing Mr. Covington): Now you are in error. Look at that exhibit number, will you?

Mr. Covington: It looks like "1" or "I."

The Court: Is that the September 1st "Watch Tower"?

Mr. Covington: It is October 15th.

The Court: Then you are right, it is Exhibit 1.

Q. After Mr. Howlett paid the visit to the Milwaukee company, what effect, if any, did it



have upon the division and doubts that were in the minds of the brethren attending the congregation? A. The division was much more marked after that. The different ones who had associated themselves with Mr. Moyle attended the meeting, sat together, and others had nothing to say to them.

Q. And those who had not affiliated themselves with Mr. Moyle but who had expressed doubt, did it have any effect upon them as to these charges that Mr. Moyle had made before the congregation? A. They up to that time had come to the conclusion that he was not in harmony with the Society, and therefore they avoided him, as we are told to in the Scriptures.

Q. What effect did the article entitled "Information" have upon the minds of these brethren who had such doubts? A. That article confirmed the understanding and the thoughts of those who were opposed to the action taken by Moyle.

Q. And those who were indifferent or who were in doubt, did it help them? A. Those who were indifferent or in doubt, it helped them and showed them that Moyle wasn't in harmony with the Society.

Q. Tell us what course of action did Mr. Moyle and his friends take in the congregation? A. I would say they came to the meetings but took no part in them; simply sat there during the meetings and then left.

Q. Mr. Ellison, Mr. Moyle testified regarding certain notices you served upon him in the spring of 1940. I ask you if this is a copy of



that notice that you served upon Mr. Moyle, please (handing to witness). A. It is.

Q. I ask you if after that you did not deliver to Mr. Moyle another notice, and is that it (handing to witness). A. It is.

Mr. Covington: I offer the one first identified by the witness and the one secondly identified.

Mr. Bruchhausen: No objection.

(The papers referred to were received in evidence and marked Defendants' Exhibits D-17 and D-18.)

Q. Mr. Ellison, at the time you delivered either one of these notices, did you have any conversation with Mr. Moyle? A. I did.

Q. What was it that you stated to Mr. Moyle, please. A. When I handed him the later notice, I said, "Olin, I am sorry to hand this to you, but you are in bad with the Society, and until these things are cleared up, these instructions will stand."

Q. And during that time, had you noticed the effect of such activity upon the company? A. I had.

Mr. Bruchhausen: I object to the form of the question.

The Court: It assumes that there had been some activity. Objection sustained.

Mr. Bruchhausen: And I move to strike out the answer.

The Court: Strike out the answer.

Q. You had known Mr. Moyle for a long time, you stated, I believe? A. Yes, sir.

Q. And did you desire to see him come back and associate himself loyally with the congregation? A. I was hoping that he would do so.

Q. And did he ever repent from his course or evidence any desire to return?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Mr. Covington: We except. Your Honor, which would be the best time to read the letters? I will follow your suggestion.

The Court: I have given each one your choice. You can read them now or later, as you will.

Mr. Covington: Perhaps it would be better, in order to avoid confusion, to read them now.

(Mr. Covington reads Defendants' Exhibits D-17 and D-18 to the jury.)

Q. Mr. Ellison, will you explain to the jury why it was that you served this last notice upon Mr. Moyle denying him the privileges of obtaining literature and preaching from house to house? A. The fact that Mr. Moyle had expressed thoughts that were contrary to our Scriptural understanding, and that in house to house distribution of literature and also in his conversation from house to house, he would naturally express his own thoughts in the matter.

Mr. Bruchhausen: I object to that part of it unless there is some statement as to when and where it was. It is too general.

The Court: Yes, strike it out.



Q. Are persons who are only one hundred per cent in harmony with the Society doctrines and policies permitted to act as its ministers from house to house, Mr. Ellison? A. Yes, sir.

Q. I show you a letter dated March 22, 1940, addressed to you and signed by Mr. Olin R. Moyle. I ask you please to identify that and tell whether or not that is his signature (handing to witness).

The Court: It was addressed to you. Did you receive the letter?

Q. Did you receive the letter? A. Yes, sir.

Mr. Covington: We offer that.

By the Court:

Q. That was in answer to your two letters or one of them? A. That no doubt was in answer to the notice that we served on Mr. Moyle telling him that he could not have part in the service.

The Court: Defendants' Exhibit D-18. Mr. Bruchhausen: No objection.

(The letter referred to was received in evidence and marked Defendants' Exhibit D-19.)

(Mr. Covington reads Defendants' Exhibit D-19 to the jury.)

By Mr. Covington:

Q. Mr. Ellison, after that, did Mr. Moyle attend the company, after this letter was received by you? A. What is the date of that letter?



Q. March 22, 1940. A. They attended once in a while, and then finally faded out.

Mr. Bruchhausen: I object to the word "faded." That is a conclusion on the part of the witness.

The Court: "They attended once in a while and then stopped coming."

Mr. Covington: Yes.

Q. Did you have any hatred or malice towards Mr. Moyle in taking this action against him? A. I did not.

Q. Did you desire to follow the Scriptural attitude and have him follow the Scriptural attitude in dealing with the brethern?

Mr. Bruchhausen: I object to what his desires are.

The Court: Objection sustained.

Mr. Covington: We except. That is all, thank you.

*Cross-examination by Mr. Bruchhausen:*

Q. Do you agree with the principle stated by Jehovah's Witnesses that it is God's organization on earth? A. Yes, sir.

Q. And that there is no other organization that is God's organization excepting Jehovah's Witnesses? A. That is right.

Q. And that Mr. Rutherford was head of God's organization on earth? A. Mr. Rutherford was the President of the Watch Tower Bible & Tract Society, the channel through which God is working upon the earth.

Q. So he was sort of an agent of God, is that it? A. I wouldn't express it that way. I would



simply say that Jehovah God was using him to further the work upon the earth, just as he used the men of old, always dealing through human agencies.

Q. So Mr. Rutherford was the only human agency that God was working through? A. He was President of the Society. It makes no difference—

Q. And he was the only human agency through whom God was working through? A. It would make no difference if it was Judge Rutherford or some other man.

The Court: He did not ask you that. Mr. Stenographer, will you read the question?

(The question was repeated by the stenographer.)

A. Mr. Rutherford was President of the Watch Tower Bible & Tract Society through which God was working.

By the Court:

Q. Was he the only one? A. He was the only President of the Society, yes, sir.

By Mr. Bruchhausen:

Q. And the only one through whom God was working at the time that he was in office, is that it? A. That is right.

Q. And you would not quarrel with God or God's agent, would you? A. That is—you have asked two questions there.

Q. I withdraw the question. If you received any communication from God's agent, you would



not object to it, would you? A. We know that God's agents are all human—

The Court: He asked you a very simple question, sir, and we will get along if you will answer the questions and do not make speeches. Mr. Stenographer, will you repeat the question?

(The question was repeated by the stenographer.)

A. (Continued) No.

Q. In other words, in all the time that you have been connected with Jehovah's Witnesses, you have never dissented from any communication or any statement made by God's agent? A. I have not.

Q. And you feel that anyone of Jehovah's Witnesses must likewise, in order to carry out its doctrines, subscribe to and act according to the statements of God's agent? A. Those statements are usually right, yes, sir.

Mr. Bruchhausen: I move to strike out the answer.

The Court: Yes. Please, I won't keep telling you. Listen to the question. If you do not understand it, we will have it read. If it calls for a categorical answer, give it. If you cannot give a categorical answer, say that you cannot give it. Now, will you read the question, please?

(The question was repeated by the stenographer.)

A. (Continued) Yes, sir.

Q. So that your objection to Mr. Moyle's action



here was that he objected to something that God's agent did, wasn't it? A. No, sir.

Q. Well, what information did you first have and when that Mr. Moyle had had some disagreement with God's agent? A. When he came in to the meeting the first time he came in to the meeting after returning, he told me that he was kicked out.

Q. When was that? A. That was some time in August, 1939.

Q. Did you ask him why he was there? Is that how that came about? A. No, sir.

Q. Did he give you a copy of the letter that he wrote to the Judge? A. No, sir.

Q. So that is all he stated to you? A. That is all.

Q. Now, do you agree that anyone in Bethel may express dissatisfaction to God's agent? A. They may.

Q. So that in writing this letter, which has come to your attention, I take it, Mr. Moyle was perfectly within his rights in expressing dissatisfaction?

Mr. Covington: That is argumentative, may it please your Honor.

The Court: It is. Reframe your question.

Q. But you agree that Mr. Moyle acted properly in expressing dissatisfaction?

Mr. Covington: That is also objected to for the same reason, your Honor. That is a matter for the jury to determine.

The Court: Objection overruled; exception to the defendants.

Mr. Covington: We except.

The Witness: State your question, please?

The Court: Will you read the question?

(The stenographer repeated the question as follows:)

"Q. But you agree that Mr. Moyle acted properly in expressing dissatisfaction?"

The Court: In his letter, Plaintiff's Exhibit 4. Have you read that letter?

The Witness: No, sir.

The Court: You have never seen it?

The Witness: No, sir.

Q. Assuming that Mr. Moyle wrote a letter to Mr. Rutherford in July, 1939, expressing dissatisfaction with the way matters were conducted in Bethel, would you say that Mr. Moyle was within his rights in writing such a letter?

Mr. Covington: That is a matter that calls for a conclusion and opinion of the witness. It is immaterial and irrelevant.

Mr. Bruchhausen: I will withdraw the question.

Q. Do you agree that anyone in Bethel had a right to write a letter to the Judge? A. Yes, sir.

Q. And had a right even to express disagreement in such a letter with any of the policies of the Judge? A. That is right.

Q. Now, you were friendly for a good many years with Mr. Moyle, were you not? A. I was.

Q. When did you become unfriendly to him? A. During the time when he got back from Brooklyn when the different suggestions that



were made by him and the thoughts that were in disagreement with the—

Mr. Bruchhausen: I move to strike out the answer. I have asked you when.

The Court: Will you read the question, please?

(The stenographer repeated the question as follows:)

"Q. When did you become unfriendly to him?"

The Court: Strike out the answer.

Q. When? A. After his return from Brooklyn.

Q. Was it after September 1, 1939? A. Yes.

By the Court:

Q. How long after? Can you fix approximately the time? A. The feeling increased as time went on. I cannot fix the exact time.

By Mr. Bruchhausen:

Q. It was after September, 1939? A. Yes, sir.

Q. You read the article in the September 1st "Watch Tower," did you not? A. I did.

Q. That he was dismissed because he was unfaithful? A. Yes, sir.

Q. And you accepted that statement as the word of God's agent, didn't you? A. I accepted it, yes, sir.

Q. And that was enough evidence for you to determine that Mr. Moyle acted improperly? A. That is right.

Q. So that from that time on, you became unfriendly to Mr. Moyle? A. To a certain extent, yes.



Q. And as these articles in the "Watch Tower" came along, you became more unfriendly to him? A. No, sir. Because of his acts and the articles confirmed—

Q. Listen to my question. I move to strike out the answer.

The Court: Strike it out.

Mr. Bruchhausen: I withdraw my question.

Q. You recall the article in the "Watch Tower" of October 15, 1939, entitled "Information," don't you? A. Yes, sir.

Q. And you read that article? A. Yes, sir.

Q. Where he is called a Judas and a murmurer and some other things? A. Yes.

Q. And you accepted that also as the words of God's agent? A. As a confirmation of what I knew.

Mr. Bruchhausen: I move to strike it out.

By the Court:

Q. Did you accept that as the word of God's agent? A. Yes.

Q. You are very anxious to offer explanations here, are you not, Mr. Ellison? A. I know that there are some needed.

The Court: Let me straighten this out, in order to be fair to everybody. The lawyer representing the defendants who called you as a witness has a perfect right, after this gentleman is finished, to ask you more questions. I will not tell you again.



You are here to answer the questions propounded by this lawyer, who has the right to ask them of you. If they are objectionable, the lawyer representing the defendants has a right to object to them. The Court will then rule. Now, do not make any speeches.

Q. I ask you again about this article "Information" on October 15, 1939, which you may recall had in it some statements about Mr. Moyle being a murmurer and a Judas and a few other things. You recall that article, don't you? A. Yes.

Q. And you accepted those statements in that article as the word of God's agent? A. Yes, sir.

Q. And you did not make any investigation about that article? A. No.

Q. You did not write in to the Watch Tower office or to Mr. Rutherford to find out what the basis of that article was, did you? A. No, sir.

Q. So you became more unfriendly after you read that article, did you not? A. Yes.

Q. Then you read the article, did you not, in the "Watch Tower" of November 15, 1939, entitled "Snares," did you not? A. I did.

Q. And you recall, do you not, statements made in there that he was a man-pleaser and that he did not properly represent some of the Watch Tower people in court; do you recall that? A. Yes.

Q. You did not write in to the Watch Tower or Mr. Rutherford to find out what the basis of that article was, did you? A. No.



Q. You again accepted the words of God's agent, did you not? A. No.

Q. Didn't you believe it? A. Yes, sir.

Q. You did not question it at all? A. No.

Q. And then after that, you read other articles, did you not, letters that were written in by different people expressing disapproval of Moyle's conduct? A. Yes.

Q. And you did not question those articles at all? A. No.

Q. You accepted them because they were printed in the "Watch Tower"? A. I saw them in the "Watch Tower."

Q. And you accepted them? A. It does not say that I accepted them all.

Q. I am asking you if you accepted them? A. I cannot answer that question as to whether I accepted them all or not.

By the Court:

Q. You don't know whether you accepted them or not? A. I don't remember all the articles.

By Mr. Bruchhausen:

Q. Do you know which ones you accepted and which ones you did not? A. No, sir.

Q. But you accepted some of them? A. Yes.

Q. In all that time, you made no inquiry of Brooklyn as to the facts on which this matter was based, did you? A. No.

Q. And when Mr. Howlett came over there at the meeting and read this resolution on September 24th—

Mr. Covington: Just a moment, that



is an assumption that is not exactly right. He read the article entitled "Information."

Mr. Bruchhausen: I withdraw it.

The Court: And it was either September 24th or September 25th.

Q. When Mr. Howlett came from Brooklyn on September 24th and read that article "Information," you made no objection or asked any questions about it, did you? A. We had conversations about it, yes, sir.

Q. Did you ask Mr. Howlett on what that article "Information" was based? A. No, sir.

Q. Did you inquire as to what the letter was that was referred to in that article "Information"? A. No. I knew what the letter was.

Q. When did you know what the letter was? A. I had heard around the company that a letter was written, but I did not know the exact contents of the letter. I never saw it.

Q. Did you know any of the contents of the letter? A. Yes.

Q. What did you know about the letter? A. I knew, as I said before, that Moyle had read in his article before the Milwaukee company that liquor was indulged in at Bethel and that shady stories were told and that discrimination was shown.

Q. So you accepted the statements of God's agent that those matters were untrue, did you not? A. Yes, sir.

Q. You did not know anything about what was going on in Bethel yourself, did you? A. Not to my exact knowledge, no.

Q. You made no personal investigation about it? A. No.

Q. You did not come to Brooklyn and find out about it? A. No, sir.

Q. As these articles were read from time to time in the meetings over which you presided or participated in, was it not a fact that the attendants at the meeting became more and more unfriendly to Mr. Moyle. A. No, sir.

Q. You mean it had no effect on them whatsoever. A. The effect on them was reading the articles confirmed their understanding.

Q. Well, they were more unfriendly, were they not? A. Because the articles confirmed the understanding that they had concerning Moyle's actions.

Q. What understanding? A. The understanding that Moyle was kicked out of Bethel because of his actions at Bethel.

Q. But none of those people at the meeting had been at Bethel, had they? A. Many of them knew of the conditions because they had received letters.

The Court: He asked you if any of the people had been at Bethel.

The Witness: Not to my knowledge.

Q. And none of them had made any inquiry at Bethel? A. Not to my knowledge. They may have.

Q. So they all accepted these statements that were made to them by or on behalf of God's agent, is that correct? A. I cannot answer for others.

Q. That at least was the basis of your action?



A. No, sir. The basis of my action was not because all of it came out in the "Tower"—

Q. But it did influence you and you believed those statements, did you not? A. The things that came out in the "Tower"—

Q. You believed those statements, did you not? A. I did.

Q. You said something at the time that you were handed this letter depriving Mr. Moyle of privileges, or one of the letters in March, that you were sorry to hand it to him? A. Yes, sir.

Q. But you did it because of allegiance to God's agent? A. I did it for the good of the service.

Q. Yes, because God's agent had requested you to do it—I withdraw that. God's agent asked you to deliver this letter to Mr. Moyle, didn't he? A. I was instructed from Brooklyn, yes, sir.

Q. And that came from God's agent? A. It came from the Society.

Q. Do you recall when Mr. Howlett arrived there in September, him telling you "Moyle got a trimming and he couldn't take it"? A. I don't remember that, no, sir.

Q. But it is possible that that statement was made? A. It is possible.

Q. And do you recall that Howlett on that occasion also stated that he had himself often been rebuked by Mr. Rutherford? A. I don't remember that statement.

Q. But it is possible that that statement was made? A. It is possible.

Q. You did not see the letter of Moyle's around at all, did you— A. Yes.



Q. I withdraw the question. You have never seen Mr. Moyle's letter? A. I have seen it, but have not read it.

Q. How recently did you see it? A. Well, it was back at the time of Moyle's return—

By the Court:

Q. You have not seen it since 1939? A. That is right.

By Mr. Bruchhausen:

Q. By the way, who asked you to come to Brooklyn? A. Mr. Covington.

Q. And you came voluntarily? A. Yes, sir.

Q. And your expenses are being paid by the defendants? A. That is right.

Q. Where are you residing, at Bethel? A. No. I reside in Wisconsin.

Q. Where are you staying here, at Bethel? A. No, sir.

Q. You were friendly enough with Mr. Moyle in August to give him a couch, were you not? A. Yes, sir.

Q. What time in August was that, of 1939? A. Probably the latter part of August. I don't remember the date.

Q. So this abrupt change of attitude on your part came after September 1st? A. Well, it came after—I wouldn't say positively it came after September 1st. I don't know.

Q. You speak about a study in Mr. Fink's home in August, 1939. Was that before or after the couch was given? A. I couldn't answer that.

Q. But you were friendly with Mr. Moyle all during August, were you not? A. Yes.



Q. So there was nothing that you knew of that you had any quarrel with him about in August? A. No.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Did you believe that the charges that you had read in the Society's publications against Mr. Moyle were false? A. No, sir.

Q. When Mr. Howlett paid his visit to Milwaukee, did he advise as to the facts concerning Moyle's departure from Bethel? A. He did.

Mr. Bruchhausen: I object to that and move to strike out the answer. It is a conclusion, advising as to the facts.

The Court: I am going to permit it to stand.

Q. Based upon your information, did you believe that the charges made by Moyle against the Society were false?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained, because the charges made he says he has never read. I will permit you to ask him what charges.

Q. You heard the statement read by Mr. Moyle in the company, did you not? A. I did.

Q. Based upon the information that you had received, did you believe that the charges made in that statement before the company concerning the Society were false? A. I did.

Mr. Covington: That is all.



*Recross-examination by Mr. Bruchhausen:*

Q. But you had no evidence on which to act—I withdrew that. You made no investigation of the facts? A. You mean as far as writing Brooklyn about it?

Q. Yes. A. No, sir.

The Court: He asked you if you made any investigation at all of the facts that you heard made by Moyle. Did you?

The Witness: That is a difficult question to answer, your Honor.

The Court: Did you make any investigation at all?

The Witness: Investigations were made in and around Milwaukee—

The Court: Did you make any investigation?

The Witness: No.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

The Court: Next witness.

Mr. Covington: Gus Paulos.

The Court: Any time you have a witness from out of town, I will be glad to accommodate him even if you interrupt another witness.

Mr. Covington: Yes, your Honor. The first witnesses are from out of town.

The Court: Any time during the trial.



GUS PAULOS, 2333 North 55th Street, Milwaukee, Wisconsin, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are one of Jehovah's Witnesses? A. Yes, sir.

Q. And for how long? A. Since 1922.

Q. And how long have you been associated with the Milwaukee company? A. Since that time.

Q. Do you know Mr. O. R. Moyle? A. Yes.

Q. Do you know Mr. Harvey Fink? A. Yes, sir.

Q. How long have you known either of these gentlemen? A. Since 1926 or 1927, around that time.

Q. During that time, were they connected with the Milwaukee company? A. Yes, sir.

Q. During 1939, do you recall when Mr. Moyle returned from Brooklyn? A. Yes, sir.

Q. When was it that you first saw Mr. Moyle? A. We had a meeting at Fink's home, and I went up there that evening and I met Mr. Moyle on that meeting.

The Court: He wants to know when, if you can fix the time.

The Witness: Just the time when he arrived.

The Court: Shortly after he arrived, is that what you mean to say?

The Witness: Yes, sir.

Q. Was it the day that he returned from

Brooklyn? A. It might be the day. It was one day or two after he arrived from Brooklyn.

Q. Did Mr. Moyle and his wife attend that study in the Fink home that you attended there for a while? A. That is right.

Q. When Mr. Moyle and his wife began attending the study, did you notice any questions or conduct on the part of either that disturbed the meeting? A. Yes.

Mr. Bruchhausen: I wonder what the relevancy of all this is, if your Honor please.

The Court: I am not quite so sure, but I am going to take it now because these witnesses, with my permission, are called a little out of order. They are from out of town. So I will take it now subject to a motion to strike out.

Mr. Bruchhausen: I thought counsel might point out what the relevancy is.

The Court: I shall not ask him now.

Q. Tell what you observed in that regard.

The Court: Do you remember the question? Will you read him the question, please?

(The stenographer repeated the question as follows:)

"Q. When Mr. Moyle and his wife began attending the study, did you notice any questions or conduct on the part of either that disturbed the meeting?" A. There was questions outside of the subject we had in discussion, and Mrs. Moyle especially bring questions from different publications—



Mr. Bruchhausen: I object to what Mrs. Moyle said.

The Court: Objection sustained, strike out that part about Mrs. Moyle.

Q. Do you remember having a conversation with Mr. Fink at your place of business? A. Yes. Mr. Fink—

By the Court:

Q. When? A. A few weeks, two weeks or one week later. I don't know the date exactly.

Q. Shortly after that meeting? A. Shortly after Moyle arrived there.

Mr. Bruchhausen: I am going to object to it as not binding on the plaintiff unless he was there. Mr. Fink is not here to refute any such statement.

The Court: I assume it is to attack Mr. Fink's credibility?

Mr. Covington: That is right.

The Court: I shall have to hear it first, and I will listen to a motion afterwards.

Mr. Bruchhausen: Exception.

By Mr. Covington:

Q. Did you have any conversation with Mr. Fink in reference to Judge Rutherford and Mr. Moyle, in which he made statements against the Judge and statements in behalf of Mr. Moyle?

The Court: That is, Mr. Fink?

Mr. Covington: Yes.

A. Yes. Mr. Fink came to my place of business in the presence of E. Werth and Fred Henauf.



Q. Tell what you said and what Mr. Fink said.

Mr. Bruchhausen: Has the date of this been fixed?

The Court: Approximately a week after Mr. Moyle returned to Wisconsin.

The Witness: It might be two weeks.

The Court: "Approximately" covers two weeks.

Q. Did Mr. Fink say anything to you about Mr. Moyle's controversy with Judge Rutherford? A. He come in and he start relating what happen down in the Bethel Family, and he explained parts of that letter, that what they are doing down there, and the Judge is getting old and hawls everybody, and the accusations which was on that letter, which previous was circularized around—

Mr. Bruchhausen: I object to that and move to strike out "which previously."

The Court: Strike it out.

Q. What did you tell Mr. Fink in reference to the course of conduct that Mr. Moyle should have taken, and what did Mr. Fink say?

Mr. Bruchhausen: I object to these questions as leading.

The Court: They are leading, but won't we get to it faster that way?

A. There was a discussion about three-quarters of an hour, and he begin to tell what he done down at the Bethel house—



By the Court:

Q. Who began to tell? A. Fink, about the whole situation, and he condemning the action of the Society, especially Judge Rutherford, and I told Mr. Fink the course of Mr. Moyle was unscriptural. I called attention what Jesus said in Matthew 18, "If thy brother do something wrong to you, go up to your brother and tell about it, and if he won't listen to you, take two or three more brethren and go up and tell him in a Christian manner." And I asked "Did he do that or not?" "Why," he says, "he couldn't do that. Judge Rutherford, he will rebuke him and he will kick him out of there. So he thought better to put it in letter form."

Q. What did you say to Mr. Fink in reference to what he said about Judge Rutherford kicking him out and rebuking him? A. I told him I do not believe that for the reason the course that Moyle took was unscriptural, and therefore I could not believe that was right.

Q. During the time that Mr. Moyle remained with the company during August and September, did you ever hear of the copy of his letter to Judge Rutherford being circulated in the company? A. Yes.

Q. And when was that? A. Mr. Fink told me that another, Prudhomme, he came to my place, and tried to analyze the letter, and he told me how terrible the thing was—

Mr. Bruchhausen: Is this in the presence of Fink, this statement?

The Witness: No.

Mr. Bruchhausen: I object to all these miscellaneous remarks.



The Court: Objection sustained, strike it out.

Q. You did hear that a letter was circulated? A. I did.

Mr. Bruchhausen: I move to strike out the question and the answer.

The Court: He did say he heard from Mr. Fink that a letter had been sent.

The Witness: That is right.

The Court: I will permit that to stand. The rest of it is out.

By Mr. Covington:

Q. Did you attend the meeting on or about September 6th or 7th at a service meeting when Mr. Moyle read a statement to the congregation? A. Yes.

Q. Tell us, if you recall, what took place? A. Mr. Moyle read part of that letter which left the Bethel Family, and then Fink took a few minutes' time and point out that if we as a company tried to help Mr. Moyle in a brotherly fashion and not kick him around, as they kicked him at the Society, help him along.

Q. Anything else? A. Then he put it to a formal vote: Those who are in favor of Moyle and try to help him, they should raise their hand.

Q. Did you raise your hand? A. No.

Q. Did the conduct of Mr. Moyle in the company at Milwaukee cause any disturbance or division or strife in the company? A. Very much so.

Q. And did it create confusion in the service activities? A. Very much.



Mr. Bruchhausen: I object to this as too general.

The Court: Yes.

Mr. Bruchhausen: It is a conclusion of the witness.

The Court: Objection sustained, strike it out.

Q. What, if any, effect did Mr. Moyle's conduct have upon the meetings?

The Court: If you know.

A. The meetings in general since he came, there was no peace in that company. Many brothers and sisters come up to me and ask me and discussed the thing, how terrible things since Moyle appeared in that class; everything was peacefully and fine, never had any trouble, and his appearing caused so much trouble and talking about things.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You have just referred to something as being unscriptural, haven't you? A. That is right.

Q. Do you agree with the Scriptures as interpreted by Mr. Rutherford and the Watch Tower organization? A. I do.

Q. And if anything appeared in their publications, you would accept it, wouldn't you? A. First I have to study to see if it is Scriptural.

Q. Have you ever disagreed with anything that they have stated? A. Not that I know of.

Q. Do you agree with this statement: that "Jesus suffered death in order to produce the

ransom or redemptive price for all mankind"? A. I do for all obedient people—

Mr. Covington: I object. That is not competent cross-examination. It is not relevant.

The Court: I will permit it in view of his statement concerning the Scriptures. I assume that is from the Scriptures. I happen to know that it is.

Q. You don't, then, accept that statement that I made, that He suffered for all mankind, do you? A. There is other Scriptures which we have to take the other Scriptures into consideration.

Q. Do you agree with that statement, that He suffered for all mankind? A. He did.

Q. Have you read this book, "Creation," (showing to witness)? A. Yes.

Q. I call your attention to an article in the back of the book entitled "Reconciliation"— A. That is right.

Q. (Continued) —by Judge J. F. Rutherford, "A Plain Statement of the Gracious Provision Jehovah Has Made to Bring All Men into Full Harmony with Himself, that the Obedient Ones May Have Everlasting Life on Earth in Contentment and Complete Happiness." Do you subscribe to that? A. I didn't get the whole thing.

Q. Read it from the book (handing book to witness). I have underlined it.

By the Court:

Q. Did you read it? A. Yes.

Q. Do you agree with that? A. I agree.



By Mr. Bruchhausen:

Q. Now I show you the "Watch Tower" of September 15, 1941, and ask you to read the part that I have marked (handing to witness). A. Yes.

Q. That is substantially the same as the one you just read, that Jesus suffered for the obedient ones, is that correct? A. This thing needs explanation—

The Court: Wait a minute. Is it substantially the same as the other one. If it is not, say it is not.

The Witness: There is a difference there.

Q. A difference between those two? A. If I remember. I cannot keep those things—

Q. You have just looked at the "Watch Tower" of September 15, 1941, and that in substance says, does it not, that Jesus suffered death for the obedient ones of mankind? A. That is right.

Q. That is the substance of it? A. Yes.

Q. Now I show you the "Watch Tower" of December 15, 1938, and I ask you to read the part I have marked (handing to witness). A. Yes.

Q. You have read that, haven't you? A. That is right.

Q. And that article you have just read in substance says that Jesus suffered for all mankind, does it not? A. That is right.

Q. Was there any change in the Bible between those two dates, 1938 and 1941? A. No.



Q. Who was it who changed it from the 1938 interpretation, that Jesus suffered for all mankind, to the 1941 interpretation, that He suffered for the obedient ones? A. As we study the Bible, we find the Bible tell us that the path of the just shines more and more until a perfect day comes. There are certain things from time to time we study and we see clear.

Q. Was it your suggestion to change that from "all mankind" to "the obedient ones"? Did you ever make that suggestion? A. No.

Q. You never made that? A. No.

Q. The first time you heard about that was when it came from God's agent, was it not? A. I take the Scriptures—

By the Court:

Q. Is that the first time you heard that statement, when it came from God's agent? A. That is right, from the Watch Tower.

By Mr. Bruchhausen:

Q. You now accept the revised version, that Jesus suffered for the obedient ones, don't you? You accept that? A. The way you put your question—I can answer if you put the question—He died for all, but the obedients will be benefited by it because there are certain people which will not be benefited by.

Q. Show me where it says that in this one (handing pamphlet to witness). Read the language there. A. It isn't on this paragraph, but we have—if we single one paragraph out—

The Court: He asked you if it was in that paragraph.

The Witness: No, it doesn't.



Q. Did God's agent write you a letter about it giving you this explanation that you have? Did you receive a letter from God's agent— A. I don't like that word "God's agent." It is God's servant.

Q. What position did Mr. Rutherford have in this organization? A. He was the President of that Society.

Q. Was it God's organization on earth? A. It was.

Q. And the only organization that was God's organization? A. Yes.

Q. And he was head of it? A. He was the head of it.

Q. He was a representative of God, wasn't he? A. That is right.

Q. So anything that you received from him, you accepted as the word of God? A. As when I have it with the Scriptures, if it corroborates with the Scriptures. We check with the Scriptures.

Q. But in all the years you have been reading this literature, you have never made any objection at all to any of it? A. I always check it with the Scriptures.

Q. You never made any objection? A. No.

Q. You find it always correct? A. It harmonized with the Scriptures.

Q. But you find that both of these statements, the one in 1938 and the one in 1941, harmonize, don't they? A. The later one is the progress of the light.

Q. Where in the Bible can you point out that God only suffered for the obedient ones? A. It says that "He died for many", and again it says "For all", and then the Bible says, "All



die in Adam, all will get life in Christ". But there are other Scriptures which says "All will not get life".

Q. Can you tell me any Scripture that refers to the obedient ones? A. I cannot think of one right now.

Q. You have heard the statement "Evil servant," haven't you? A. That is right.

Q. Anyone who is not Jehovah's servant, belongs to Jehovah's organization, is an evil servant, isn't he? A. No.

Q. But there are many evil servants outside of Jehovah's organization? A. The Bible speaks of it.

Q. But there are a great many outside of Jehovah's organization? A. Yes, there is.

Q. Weren't the obedient ones the ones that did not agree with Mr. Rutherford or the ones that did agree with Mr. Rutherford, in your opinion?

Mr. Covington: That is an improper question. It is argumentative.

The Court: Objection sustained. Will you start your question again?

Q. Would you say that anyone that did not agree with Mr. Rutherford was not an obedient one? A. I wouldn't say that.

Q. Your objection here this morning is that Mr. Moyle wrote a letter to Mr. Rutherford, isn't it? A. My whole objection is his course of action was unscriptural. He did not go—

The Court: He did not ask you anything about that. Listen to the question.



If you do not understand it, tell us, and we will be glad to have it read to you. Read the question, please.

(The stenographer repeated the question as follows:)

"Q. Your objection here this morning is that Mr. Moyle wrote a letter to Mr. Rutherford, isn't it?" A. That is right.

Q. So you thought that was wrong in his writing the letter?

The Court: You thought it was unscriptural?

The Witness: Unscriptural, that is right.

Q. And from that time on, you were unfriendly to Mr. Moyle? A. That is right.

Q. Just from writing the letter? A. Yes.

Q. And you never made any investigation of the facts contained in that letter, did you? A. I heard word by word—

By the Court:

Q. Did you make any investigation? A. I don't get—

Mr. Bruchhausen: I withdraw the question.

By Mr. Bruchhausen:

Q. Did you ever write to Mr. Rutherford and ask him what the facts were in the case? A. No.

By the Court:

Q. Did you ever write anybody at Bethel? A. No, never did.

By Mr. Bruchhausen:

Q. And you never saw a copy of the letter that Mr. Moyle wrote printed in the "Watch Tower," did you? A. No, I did not.

Q. And you never wrote to anyone in Brooklyn to find out what was said in that letter, did you? A. No, sir.

Q. But you did read the "Watch Tower," didn't you? A. I did.

Q. And you read the "Watch Tower" of September 1, 1939, which said he was dismissed because he was unfaithful? A. That is right.

Q. And you agreed with that? A. I did.

Q. And you made no investigation of it; you accepted that statement in the "Watch Tower"? A. I accepted it because it was unscriptural.

Mr. Bruchhausen: I move to strike out the unscriptural part.

The Court: Strike out the whole answer and give him another chance to answer it.

Q. You read that article of September 1, 1939, in the "Watch Tower," to the effect that Mr. Moyle was dismissed because he was unfaithful, didn't you? A. That is right.

Q. And you accepted that statement in the "Watch Tower"? A. For the same reason.

By the Court:

Q. Did you accept it? A. I accept it as unscriptural.

Q. We did not ask you whether it was unscriptural. Did you accept it? A. I did.



By Mr. Bruchhausen:

Q. And then you read the article of October 15th and November 15th entitled "Information" and "Snares"? A. That is right.

Q. You accepted that, too? A. I did.

Q. You never found out or investigated as to what happened in court in connection with that article "Snares," did you? Do you recall the article "Snares"? A. I recall that.

Q. Do you recall something in that article that Mr. Moyle did not properly represent them in court? A. I don't remember all details. It is a long time.

Q. You were not in the Magistrate's Court, were you? You did not attend that trial in the Magistrate's Court? A. I wasn't.

Q. And you did not know anything about it? A. No.

Q. You did not write in to Mr. Rutherford to find out what happened at that trial, did you? A. No, sir.

Q. You did not ask Mr. Moyle what happened on that trial, did you? A. No.

Q. So that you accepted those statements without inquiring from Mr. Moyle or from Mr. Rutherford what the facts were about it? A. I didn't get that.

By the Court:

Q. Did you accept the statements that appeared in the "Watch Tower" without asking Mr. Moyle or Mr. Rutherford what they were about? A. The article "Snares"?

By Mr. Bruchhausen:

Q. "Information" and "Snares"? A. Yes, I accepted it.



Q. So that your allegiance to Jehovah's Witnesses and the representative of God is so strong that you accept statements that are printed in the "Watch Tower" without any inquiry whatsoever? A. Is that a question?

Q. Yes. A. We accept— I accept myself studying with the Scriptures together, and found it was in accordance with the Bible.

Q. So you studied the Scriptures instead of finding out what the facts were about it, is that correct? A. And the article together.

Mr. Bruchhausen: That is all.

*Re-direct examination by Mr. Covington:*

Q. Did Mr. Howlett make his appearance before the Milwaukee company and give certain facts concerning Mr. Moyle's controversy with Judge Rutherford? A. That is right.

Q. When was that, before the article "Information" appeared in the "Watch Tower" of October 15th? A. I don't remember those dates.

Q. But you were present when Mr. Moyle gave the information? A. I was.

Q. Who are considered by Jehovah's Witnesses as the leaders of Jehovah's Witnesses in the earth today? Who are the leaders? A. The Watch Tower Bible & Tract Society.

Q. That is the governing body of Jehovah's Witnesses? A. That is right.

Q. And who are the evil servant? A. It is a class of people who had knowledge of the truth, and they left the truth—left the Society, rather.

Q. And it refers to that class of persons who



have been at one time associated with the Society?

The Court: Please, he has answered the question.

Mr. Covington: I withdraw it. That is all.

*Recross-examination by Mr. Bruchhausen:*

Q. You heard that Mr. Moyle was asked to leave within 24 hours from Bethel; did you hear that? A. No.

Q. Is there anything in the Scriptures that condones asking a man to get out within 24 hours after he has been in an organization for four years? A. There is, in Corinthians. The Apostle Paul writes "For a certain person", he says, "absent in my body was present in spirit. Get out that wicked one at once".

Q. So you agree that that is all right? A. That case is not exactly as the Moyle case. I don't want to infringe his conduct on that.

Q. You think it is all right to let a man go on less than 24 hours' notice after he has been there for four years? A. The Bible says "Avoid them"

Q. Did you ever read this in the "Watch Tower" of February 15, 1939: "If the telling of that which actually exists would work injustice and injury to others, it isn't at all displeasing to God to decline to tell the same. A statement becomes a lie when it is made with the purpose and intention of working injury to another." Did you read that? A. I don't remember that.

Q. Do you agree with that? A. I never read



that and I don't remember, so I can't say yes or no.

Q. What? A. I didn't study that and I wouldn't say yes or no. I have to study the context.

Q. You can't give me any opinion on that now? A. I never get a disconnected phrase to make comment on. I have to read the whole paragraph before I make a decision.

Q. You heard these articles of October 15th and November 15, 1939, read at these meetings of Jehovah's Witnesses out there, didn't you? A. Yes, sir.

Q. And that had the effect of making everybody feel Moyle was wrong, didn't it? A. It was even before that.

The Court: Did it?

The Witness: Yes, sir, it did.

Q. And it made them feel all the more unfriendly to Moyle, didn't it? A. To me it seems it was already the way—it didn't have any more effect. It was about the same then. They knew something was wrong.

Q. You mean the situation got better as far as Moyle was concerned after those letters came out? A. No, I wouldn't say that.

Q. Did it remain the same after the letters came out? A. It gets worse, of course.

*Redirect examination by Mr. Covington:*

Q. Did you believe that the charges that Mr. Moyle made against the Society were false? A. It was false, yes, sir.

Q. You heard the charges he made against the Society in the meeting there, did you not? A. I did.



Q. And did you believe they were true or false? A. Purely false.

The Court: He said true or false.

The Witness: False.

Q. Did you hear the meeting at which Mr. Howlett addressed the congregation and told the true facts of the conditions at Bethel?

Mr. Bruchhausen: I object to the form of the question.

The Court: Sustained as to form.

Q. Did you believe that the facts Mr. Howlett told the congregation concerning conditions at Bethel were true?

Mr. Bruchhausen: I object to the form of the question.

The Court: I will permit him to ask. Overruled.

Mr. Bruchhausen: Exception.

A. Yes.

Q. Did that confirm your belief that the statements Mr. Moyle made were false?

Mr. Bruchhausen: I object to that.

The Court: Sustained.

*Recross-examination by Mr. Bruchhausen:*

Q. You have just stated in answer to the attorney's question that you said the charges were false. A. That is right.

Q. All the charges in Mr. Moyle's letter? A. Unless there is certain things, but as a whole, the charges were false.

The Court: He asked you a very simple question. If you don't know, you tell us. Were all the charges made in Mr. Moyle's letter false? If you don't know say you don't know.

The Witness: I believe it is false.

Q. All the charges? A. The charges which—I am mixed up with the question. Excuse me.

The Court: Wait a minute. We will ask you again. Do you believe that all the charges in Mr. Moyle's letter to Mr. Rutherford are false?

The Witness: Yes, sir.

Q. Did you ever read the letter? A. No.

Q. But yet you testified here that they are all false, is that right?

The Court: That is an argument, not a question.

Mr. Bruchhausen: That is all.

(Witness excused.)

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FRED AEBLY, residing at 50 South Lewis Avenue, Waukegan, Illinois, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are one of Jehovah's Witnesses, are you not? A. That is right.

Q. How long have you been one of Jehovah's Witnesses? A. Since 1918.

Q. And what company or congregation are



you associated with? A. I am connected with the Waukegan, Illinois company.

Q. For how long? A. For about 15 years.

Q. And do you have any other occupation or any other vocation? A. I work as sub-station operator for the Public Service Company of Northern Illinois.

Q. How long have you known the plaintiff, Olin R. Moyle? A. About 20 years approximately.

Q. During that time were you close and good friends? A. Very much so.

Q. When you became acquainted with him was he one of Jehovah's Witnesses? A. That is right.

Q. You remember when he went to Brooklyn, do you not, to become counsel for the Society? A. Yes, I do.

Q. Do you recollect when you learned that he was no longer at the Society? A. That is right.

Q. I show you Defendants' Exhibit P and ask you if you received that letter (handing to witness). A. Yes, I did.

Q. Prior to that had you learned that Mr. Moyle was back from New York? A. Yes, we had received a card that they had sent to us stating that they were leaving Brooklyn. That was either during the time that they were on the way or shortly after they came back to Wauwatosa.

Q. When did you learn, when did you see Mr. Moyle for the first time after he returned from Brooklyn to Wisconsin? A. As near as I can recall, it was about a week or so after.

The Court: After he got back?

The Witness: That is right.



Q. And when and where did you see him? A. That was at Mr. and Mrs. Newman's home west of Wauwatosa, Wisconsin.

Q. Were you invited up to see him? A. That is right.

Q. On that occasion did Mr. Moyle tell you as to the reason why he had returned to Milwaukee? A. Yes, sir, he enumerated some of the reasons.

Mr. Bruchhausen: What is the date?

Mr. Covington: About a week after he got back.

Q. He enumerated some of the reasons? A. Yes, sir.

Q. Do you recall what they were? A. One of them was that conditions at Bethel were drinking and various other things, such as telling of dirty stories.

Q. And who was present with you on the occasion of that visit to Mr. Moyle? A. My wife was with me.

Q. And how long did you spend with Mr. Moyle and his wife on that day? A. I would say roughly a couple of hours, possibly three or so.

Q. Were you surprised to learn that Mr. Moyle was back in Wisconsin permanently? A. We were, yes.

Q. When was the next time that you saw Mr. Moyle? A. It was the one and only time I saw Mr. and Mrs. Moyle.

Q. And after that you had this correspondence, I believe? A. Yes, that is correct.

Q. That is designated as Defendants' Ex-



hibit P; and, subsequent to that, did you receive a letter dated December 30, 1939? A. That is right.

Q. In Mr. Moyle's letter to you dated August 24, 1939, there is attached to that a copy of his letter addressed to J. F. Rutherford. Did you read that letter? A. I did, yes.

Q. And at that time what effect, if any, did the charges made in the letter have upon your mind? A. Well, there was quite a considerable confusion was created by it and anyone always liked to hear both sides of the story.

Q. And after that did you have occasion to hear the Society's side from Mr. Howlett? A. That is correct.

Q. Before you heard from Mr. Howlett I will ask you whether or not anybody saw this letter that you mentioned attached to Mr. Moyle's letter of August 24, 1939, in which he says, "You can show it to others." A. As near as I can remember there were two people read that letter.

Q. Who? A. One of them was Leroy Jackson of Racine, and the other one was my wife's sister.

Q. When you read the letter did you believe the charges that Mr. Moyle had made against the Society? A. I did not.

Mr. Covington: We will now offer in evidence letter dated December 30, 1939.

Mr. Bruchhausen: No objection.

(The letter was received in evidence and marked Defendants' Exhibit D-20.)

Q. I show you page 14 of the "Watch Tower" magazine dated January 1, 1940, and the heading



is "100% For Channel," and I wish you would read that, please.

Mr. Covington: I will now read Defendants' Exhibit D-20, dated December 30, 1939, addressed to "Dear Fred and Jessie."

(Mr. Covington reads the same to jury.)

Q. Did you sign that resolution that appears there in that magazine? A. I did, yes.

Q. Where and when was that resolution passed and adopted? A. That was passed sometime during December, 1939, I believe, as near as I can recall.

The Court: Where was it adopted?

In the Waukegan company?

The Witness: That is right.

Mr. Covington: We offer that in evidence.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit D-21.)

Q. I show you what appears to be carbon copy of a letter dated January 24, 1940, which purports to be an answer to a letter dated December 30, 1939, Defendants' Exhibit D-20, and ask you if you have ever seen the letter.

The Court: Have you ever seen the letter before?

The Witness: I have, yes.

Q. Is that the explanation that you gave to Mr. Moyle? In answer to his letter dated December 30, 1939. A. I am positive that is the answer to it.



Mr. Covington: We would like to introduce the copy into evidence.

The Court: Show it to Mr. Bruchhausen.

Mr. Bruchhausen: No objection.

(Received in evidence and marked Defendants' Exhibit D-22.)

Q. Did you attend a meeting of the congregation at which Mr. Howlett addressed the congregation? A. That is right.

Q. What month was that, if you remember? A. As near as I can recall it was in September, the latter part, or around the 1st of October.

Q. Where did you attend such meeting? A. That was at Mr. and Mrs. Edward Monaghan, Waukegan.

Q. Waukegan? A. That is right.

Q. Did Mr. Howlett read the statement entitled "Information" on that occasion? A. I believe he did.

Q. Did you attend a meeting elsewhere at Racine or any other place? A. No, I did not.

Q. You say that you were anxious to hear the Society's side. Did Mr. Howlett present the facts concerning the Society's side of the charges? A. Yes, sir, as near as we know, yes.

Q. And did he state the facts concerning Mr. Moyle's exit at Bethel? A. He did.

Q. Did he describe the conditions at Bethel? A. Really, he said—

The Court: Did he describe the conditions?

The Witness: I don't remember whether he did or not.

Q. Do you remember whether or not he took up the charges made in Mr. Moyle's letter? A. Yes, I think he did.

Q. And did he explain the facts pertaining to them? A. That is right.

Q. After you had heard—

Mr. Bruchhausen: I object to that. It is a conclusion.

The Court: Objection sustained.

Mr. Bruchhausen: I move to strike out the answer.

The Court: Strike out the answer.

Mr. Covington: We except.

Q. After you heard Mr. Howlett's explanation of the matter and had read Mr. Moyle's letter you joined in this resolution, Defendants' Exhibit D-21, is that right? A. That is right.

Q. After hearing all the facts did you believe the charges made in Mr. Moyle's letter were true? A. That is right.

Q. Did you believe the charges made in Mr. Moyle's letter? A. Pardon me, no.

Q. After you heard Mr. Howlett did you believe that the statements made by Mr. Howlett were true? A. Yes, that is right.

Q. What effect did the making known and publishing of the article entitled "Information" in the "Watch Tower" have upon the brethren in the congregation? A. It had a stimulating effect upon some of the brethren who were questioning the issue.

Q. And what effect did the visit of Mr. Howlett have upon the members of the congregation? A. I believe it was very timely and proper.



Mr. Covington: At this time I would like to read Defendants' Exhibit D-20—No, I have read that. In answer to that is the letter dated January 24, 1940, which is Defendants' Exhibit D-22. I will read that.

(Mr. Covington reads Defendants' Exhibit D-22 to the jury.)

Mr. Covington: Defendants' Exhibit D-21, which is the resolution referred to in Mr. Moyle's letter and Mr. Aebly's letter in reply reads:

(Mr. Covington reads to the jury.)

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You received a reply to that letter of January 24, 1940, did you not? A. I don't think I did.

Q. I show you a copy of a letter and ask you if you recall receiving that in reply to the letter of January 24th. A. I have seen that, yes.

Q. You received that letter, did you not? A. I did.

Mr. Bruchhausen: I offer it in evidence.

Mr. Covington: No objection.

(Received in evidence and marked Plaintiff's Exhibit 17.)

Q. So that the first time, Mr. Aebly, you heard of this letter was when you requested Mr. Moyle for a copy of it? A. I don't think that I— Yes, I requested that, that is right.



Q. And it was at that special request of yours that he sent it to you? A. That is right.

Q. You are a company servant out in Waukegan, are you not? A. Yes, sir.

Q. How long have you been in that capacity? A. About a year and a half.

Q. And you receive correspondence and instructions from the main organization in Brooklyn, do you not? A. I do now, yes.

Q. And you are, as you say, 100% loyal to the organization? A. That is correct.

Q. So that your quarrel here about Mr. Moyle is that he wrote a letter at all to Mr. Rutherford, isn't that right? A. I do not understand that that way.

Q. You think that he did wrong? Is it your opinion that he was wrong in writing a personal letter to Mr. Rutherford? A. Not at all. Anyone could have that right.

Q. When did you first come to the conclusion that Mr. Moyle was wrong and Mr. Rutherford was right? A. Shortly after Mr. Howlett visited us and gave us the other side of the story.

Q. So that you were influenced by what you heard from Mr. Howlett, weren't you? A. Possibly, yes, to a great extent.

Q. Did you ask Mr. Moyle for his side of the story? A. I did.

Q. And did you make any investigation down in Bethel yourself? A. I did not.

Q. But Mr. Howlett was a direct representative of God's representative on earth, wasn't he? A. That is right.

Q. And you have never had any dissents about any policies of that organization, have you? A. Not to any extent.



Q. Did you ever make any suggestions or have you in all the time that you have been connected with Jehovah's Witnesses? A. I may have, yes.

Q. You don't recall any, do you? A. No.

Q. Did you ever make any criticism of Mr. Rutherford? A. I may have, sometime. After all, he was only human, and made mistakes like all of us do.

The Court: We are not interested in speeches. Did you make any or didn't you or don't you know?

The Witness: I do not know.

Q. Do you subscribe to the statement in the October 15th article "Information" that all of the charges made by Mr. Moyle are false? A. What was the title of that article?

Q. The article entitled "Information" A. Yes.

Q. Do you subscribe to that? A. I do.

Q. Have you read the letter recently from Moyle to Mr. Rutherford? A. I don't think I have, no.

Q. Were you here in court when testimony was given that there were scoldings by Mr. Rutherford of persons in the organization? A. I think I was, yes.

Q. And you know that letter called attention to those scoldings, don't you? A. Yes, sir.

Q. So that part of it wasn't false, was it?

Mrs. Covington: I object to that, if your Honor please. That is an argument with the witness about other witnesses' testimony.



The Court: Your objection is sustained.

Q. I call your attention to this statement in the letter addressed to Mr. Rutherford: "You have many homes, to wit, Bethel, Staten Island, California, and so forth." Is that true or false? A. To my knowledge, it is true.

Q. So that all the statements in the letter are not false, are they? A. That particular one may not be.

Q. Did you subscribe to the statement in the article "Information" that Mr. Moyle was a Judas? A. Yes, I think so.

Q. And is it your belief that he is a Judas because he called attention to what he thought were wrongful conditions in Bethel? A. No, I don't think that was wrong.

Q. What particular thing in your opinion made him a Judas? A. I don't know.

Q. You subscribed to the article "Information"? You agreed to everything that Mr. Howlett told you in that meeting, didn't you? A. Yes.

Q. You agreed to it because it came from God's organization on earth, didn't you? A. That is right.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. At the time you visited Mr. Moyle did he offer any evidence or proof, outside of his own statements, concerning the conditions at Bethel? A. None whatsoever.



*Recross examination by Mr. Bruchhausen:*

Q. Didn't you have something to do with getting this resolution signed in Waukegan? A. I did.

Q. You instigated it, didn't you? A. I was not company servant at that time.

Q. Some of those people are children that signed it, aren't they, Defendants' Exhibit D-21? How old is Marge Monaghan? A. She's about 21 years old now.

Q. How old was she then? A. About three years ago, approximately.

Q. How old was Bob Monaghan? A. He is about 23 now.

Q. Were there any of them under 21 that signed that article? A. Yes, sir, there were some that were under 21 at that time.

Q. How many of them? A. About two.

Q. And did you go to Mr. Michael Corr; you know him? A. Yes, sir.

Q. Did you go to Mr. Corr and ask him to give you any letters that Mr. Moyle sent him? A. I never did, no.

Mr. Bruchhausen: That is all.

(Witness excused.)

HERBERT W. HECKBARTH, residing at 261 Barstow Street, Horicon, Wisconsin, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. How long have you been one of Jehovah's Witnesses? A. Since 1938.

Q. And what secular occupation do you follow? A. I am manager of a seed and feed elevator at Horicon.

Q. What position, if any, do you hold with the Horicon Company of Jehovah's Witnesses? A. I am the Chosen Company Servant.

Q. And do you know Laura and Leland Rouse? A. I do.

Q. When did you first become acquainted with Laura and Leland Rouse? A. About 1938.

Q. Did you know what connection, if any, they held with Mr. Moyle? A. I did not.

Q. Do you know what relation they are to Mr. Moyle? A. I did not at that time.

Q. At that time what position, if any, did they hold with the Watch Tower Bible & Tract Society? A. They were Pioneers.

Q. And did they guide and direct the activity of Jehovah's Witnesses or assist Jehovah's Witnesses in their activity in your neighborhood? A. They did.

Q. They were trusted and relied upon, were they not, for guidance? A. They were.

Q. Do you recall during September, 1939, receiving a letter which is marked Defendants' Exhibit O, which I now hand you? A. Yes.

Q. As requested in that letter did you read the



attached copy of letter dated July 21, 1939, to J. F. Rutherford? A. Yes.

Q. Was that matter read before the entire company? A. It was.

Q. Were the charges made there discussed? A. They were.

Q. After discussion was the matter put to a vote as to allegiance to the Watch Tower Bible & Tract Society, before the entire company? A. It was.

Q. I show you Plaintiff's Exhibit 1, October 15, 1939, "Watch Tower," page 319, and ask you please to identify that declaration appearing thereon. A. I do.

Q. Is that the declaration that was passed on the date stated? A. Yes, sir.

Q. What date, if you recall? A. September 14th.

Mr. Covington: We offer that in evidence.

Mr. Bruchhausen: I object to it. I have no objection, if your Honor please—

The Court: Just a minute until I read it.

Mr. Bruchhausen: I have no objection to the witness stating what transpired. But I do object to some kind of a resolution which states conclusions without facts.

The Court: The objection is sustained. Mark it for identification.

(Marked Defendants' Exhibit D-23 for Identification.)

Q. After you had read and considered the



Laura Rouse letter which you have identified, being Defendants' Exhibit O, to which was attached the letter of July 21, 1939, signed by Mr. Moyle, addressed to J. F. Rutherford, did you forward that letter to the Watch Tower Bible & Tract Society? A. I did.

Q. Did you also forward to them the declaration which is identified as Defendants' Exhibit D-23 for Identification? A. I did.

Mr. Covington: We move that it be introduced on the basis of that testimony.

The Court: You will have to go a step further. If you will read the article, it is not now admissible as I see it.

Q. Did you put it in the mails addressed to Judge Rutherford? A. I did.

Q. And did the declaration accompany the letter which is identified as Defendants' Exhibit O? A. Yes, sir.

The Court: Was there any other explanation with it? Did you write a letter to Judge Rutherford or anything like that at that time?

The Witness: No, sir.

The Court: Just sent the two articles in the mail?

Mr. Bruchhausen: The point I make about it—

The Court: Just a minute.

The Witness: There were three articles sent in the mail.

The Court: What is the other article?

The Witness: One article was a letter written to the Rouses.



The Court: The jury can't hear you.

The Witness: A letter was written to the Rouses which was attached to the resolution and the letter which they mailed me.

Mr. Bruchhausen: I object to that. I haven't Laura Rouse here and I don't know anything about it. I have looked at all these various offers that are made and after I have seen them I have considered them. So I object to this testimony as to what went to Laura Rouse as not binding on us.

The Court: We will strike out what went to Laura Rouse.

Mr. Bruchhausen: The point about this resolution—

The Court: The resolution has so far been ruled out. There is nothing to identify that resolution. If you will identify it I will gladly receive it in evidence. It is just a general thing.

Q. Did that relate to the letter that you had read written by O. R. Moyle? A. Yes, sir.

Mr. Bruchhausen: I object to the question.

The Court: Objection overruled. Exception to the plaintiff. Was that in answer to O. R. Moyle's letter to Rutherford?

The Witness: Your Honor, yes.

The Court: Now I will take it.

(Letter received in evidence and marked Defendants' Exhibit D-23.)



Q. Did you attend a meeting that was addressed by the defendant Howlett in September, 1939? A. Yes, sir.

Q. When and where was that, please? A. That was about the latter part of September, 1939, at the Waupun company of Jehovah's Servants.

Q. And what other companies were in attendance at that meeting? Outside of the Horicon company and the Waupun company that you have mentioned.

The Court: Were there any others?

Q. I will ask you: Were there any others? A. Yes, there were.

Q. Do you recall any? A. There were the Reeseville company at that time, and the Brandon company. I don't know whether there was—There were five or six of them.

The Court: Speak up so the jury can hear you.

The Witness: There were five or six.

Q. Do you recall what Mr. Howlett did and said on that occasion? A. He pointed out how the Lord's organization operated smoothly by picturing a few gears running together and if one gear was missing or was not in operation it would just not function, and he also in his speech later on pointed out that when you see all these things begin to come to pass, then you know that your redemption draws nigh, as is quoted in Luke.

Q. During that time did Mr. Howlett read then the article entitled "Information" setting forth the facts? A. Yes.



Q. Was not his visit relative to the letters that had been circulated which you have identified here—

Mr. Bruchhausen: I object to that.

The Court: Yes, sustained.

Mr. Covington: I withdraw it. I believe the objection is well taken.

Q. Did Mr. Howlett mention the case of Mr. O. R. Moyle during that discussion at any time? A. Yes.

Q. And did he offer to present the Society's side of the matter?

Mr. Bruchhausen: I object to that as leading.

The Court: It is leading. Let's have the answer.

A. Yes.

Q. Was the article entitled "Information" presented as the Society's side of the controversy? A. Yes, sir.

Q. And after you had heard Mr. Howlett address the audience and the article entitled "Information" was read, what did you believe with reference to the charges made by Mr. O. R. Moyle in his letter dated July 21, 1939, addressed to Mr. J. F. Rutherford? A. I believed those charges did not exist in the Bethel Home.

Q. And what, if anything, did you believe with reference to the statements made by Mr. Howlett before the congregation? A. They seemed reasonable and I accepted them.

Q. After Mr. Howlett had made his visit there what, if anything, did its effect have upon the

company? A. There was a disturbance, a confusion or parting.

Q. After Mr. Howlett's visit or before?

The Court: Or both?

Q. Just explain. A. More, after.

Q. What happened after he came there in reference to the confusion? A. A number of them left the organization.

Q. How many? Who did they follow in leaving? A. Why, I can't just speak of who they followed, but they left.

Q. How many left? A. Two.

Q. Who were they? A. Mrs. Anna Roberts and Carl Otto.

Q. After they had left was there peace and harmony in the organization after that? A. Well, sort of a disturbance to this day yet.

Q. On account of what?

Mr. Bruchhausen: I object to that—I will withdraw the objection.

A. On account of, well, the belief of Jehovah's Witnesses and some other belief.

Q. Have there been any other letters circulated in that area by Mr. Moyle since then? A. Not that I know of.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How many members are there in the Horicon company? A. At that time I believe there were nine.

Q. You are a very new Jehovah's Witness, aren't you? A. Yes, sir.



Q. Have you read the "Watch Tower" only since 1938? A. Yes, sir.

Q. But you agreed with all of their statements? A. Yes.

Q. You have been asked as to whether you agreed with the Society's side of the controversy as stated in the article "Information," haven't you? A. Yes.

Q. Well, do you recall that there is a statement made in that article that Mr. Moyle was a murmurer? A. Yes, I do recall.

Q. Do you or do you not agree that a member of Bethel had a right to write a letter to Mr. Rutherford? A. Sure, he would have the right.

Q. Well, is he a murmurer if he writes the letter? A. Well, there is different ways of writing letters.

Q. Is it the kind of a letter that makes a man a murmurer? A. Yes, sir.

Q. Is there one letter that—

The Court: His answer is yes, the kind of letter.

Q. So that was the kind of letter that was a murmuring letter? A. Yes, sir.

Q. Is that because he complained about things? A. Yes, sir.

Q. In other words, you don't agree that anyone has a right to write a letter complaining, do you, or express dissatisfaction?

Mr. Covington: We would object to that question as arguing with the witness.

The Court: Well, apparently he can't answer so it will go unanswered.



The Witness: I would like to have the question again.

The Court: We will sustain the objection and let him ask another question.

Q. I say, that you agree that Mr. Moyle had the right to write a letter to Mr. Rutherford? A. Yes, sir.

The Court: His point is not this kind of a letter, isn't that what you want to tell us?

The Witness: That is right.

Q. Would he have the right to write a letter saying that he didn't think that people should be scolded in the organization? A. I—

Mr. Covington: That is argumentative, may it please your Honor.

The Court: I will permit him to answer.

Mr. Covington: We except.

A. Well, he would have the right, yes.

Q. You think that he could write that letter? A. He would have the right to write.

The Court: Would he have the right to write that kind of a letter?

The Witness: Yes, sir.

Q. What part of the letter do you claim is a murmur? A. The complaining part.

Q. Well, if I say to you that Mr. Moyle complained about the scoldings of some of the people in and around Bethel, wasn't that complaining?

Mr. Covington: That, again, is objected to as argumentative.



The Court: I sustain the objection. Read the exact words.

Q. Reading from the letter, to refresh your recollection: "Woodworth in a personal letter to you stated something to the effect that it would be serving the Devil to continue using our present day calendar." Is that a murmur? A. I wouldn't say so.

Q. I show you the letter and ask you to state which is the murmur in it.

The Court: Showing the witness Plaintiff's Exhibit 4.

Q. And then while you are at it, tell me which part of it pertains to Judas. A. It is a murmur when someone complains of how others are treated.

The Court: He wants to know which part is a murmur.

The Witness: The first paragraph of it, the ill treatment of the Bethel family.

The Court: That is a murmur?

The Witness: Yes, sir.

The Court: What else?

Q. You have read a few pages already. Don't you find any murmurs in those two pages? A. Most of the letter is murmuring, to my knowledge.

Q. You say it is mostly murmuring, but there is part of it not murmuring, is that it?

Mr. Covington: I would object, because this is a matter for the jury to determine.

The Court: Well, I will let him say



which parts are murmurs. Give him a chance to read it so he has a chance to say.

A. I would have to read the entire letter, but I would say most of the letter is murmuring, but not all of it.

Q. Had you seen the letter at all prior to Mr. Howlett coming into your meeting? A. Yes, sir.

Q. When did you first see it? A. We received a letter by Mrs. Rouse in the forepart of September of 1939, before Howlett appeared out there.

Q. And before the receipt of the Rouse letter you read the September 1st "Watch Tower," didn't you? A. Probably did.

Q. And you recall that in that article there was something said about Mr. Moyle being let out of the Society because he was unfaithful? A. Yes, sir.

Q. And you accepted that, didn't you? A. Yes.

Q. Because it came from the Lord's organization? A. Yes.

Q. You didn't write in to find out any of the details about it, did you? A. Not at that time.

Q. So you believed it from what you heard? A. Yes, sir.

Q. That caused unfriendliness, that article, to Mr. Moyle, did it not, amongst the group in your class? A. Well, I don't know whether it caused unfriendliness towards Mr. Moyle. He wasn't known—I wasn't known to Mr. Moyle and I don't know whether any of the others were.

Q. Well, did you think more of Mr. Moyle or



less of him after you had read the letter or the article?

The Court: He has already testified he didn't know him.

Q. Well, you read the article on October 15, 1939, entitled "Information," did you not? A. Yes.

Q. And by that time you knew who Mr. Moyle was, didn't you? A. Yes.

Q. Did that make you more friendly or less friendly towards Mr. Moyle? A. Well, I didn't have any disfriendliness against him.

Q. Did you think he was an evil servant? A. I did.

Q. And you came to that conclusion from those articles that you read, is that correct? A. Yes.

Q. And then when you read the article "Snares" on November 15, 1939, did that change your opinion about him? A. No.

Q. But you didn't know anything about how he was a Judas, according to that article, of October 15th, did you? You didn't have any facts before you when you read that article of October 15th as to Moyle being a Judas? A. No, although I know what a Judas class was.

Q. But you agreed when you read that article because it came from the Lord's organization, that he was a Judas? Didn't you? A. Yes, sir.

Q. So that article also had an effect on the group in your company, did it not? A. I can't answer.

Q. Well, after reading those articles you didn't have anything to do with Mr. Moyle, did you? A. No.

Q. Or anyone else in the class, did they? A. No.

Q. It would be improper under the practice in the Lord's organization, to have any contact whatsoever with one who had been labeled an evil servant in the "Watch Tower," isn't that correct? A. No.

Q. Wouldn't it be improper? A. No. The "Watch Tower" has no jurisdiction over anybody.

Q. Wouldn't you consider it improper to go around with an evil servant? A. I would, from my standpoint.

Q. You say that the "Watch Tower" does or does not advocate going around with evil servants? A. The "Watch Tower" does direct the people in the right way, so they do not go astray from the Lord's organization.

Q. But you are not to associate— Your teachings in this "Watch Tower" magazine and what you receive are that you are not to associate with evil servants? A. Yes.

Q. So that you didn't discuss any of the details at any time of what happened at Bethel other than what you received from Mr. Howlett? A. No.

Q. And all that Mr. Howlett did was to read this article entitled "Information" to you, isn't that correct? A. No, he gave an hour's discourse.

Q. Did he say anything about how many homes Mr. Rutherford had? A. I cannot recall.

Q. As a matter of fact, do you know how many homes he has in Staten Island? A. No, I do not.



Q. Do you know how many homes he has at all? A. No, I do not know.

Q. Do you know anything about this house that is kept for him up in Kingdom Farm? A. No.

The Court: Don't you think you better make this past tense?

Q. Did you, in 1939? A. No.

Q. Did you know how large the farm was up there? A. No.

Q. Did you ever hear that it was 700 acres? A. No.

Q. By the way, who prepared that resolution? A. The members that were gathered together at the "Watch Tower" study that Sunday evening.

Q. You did, at the request of Mr. Howlett, did you not? A. No, that resolution was made— mailed in before Howlett appeared out there.

Q. Mailed in when? A. September 14th, I believe, is the date on it.

Q. But you did get correspondence from time to time from Brooklyn, did you not? A. Yes.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. At the time you received the Rouse letter identified in evidence, did you receive from her any information or proof outside of the charges made therein? Did she offer any other evidence than the letter itself as proof of the charges made? A. No.

Mr. Covington: That is all.

(Witness excused.)



LEROY B. JACKSON, residing at Route 3, Box 193, Racine, Wisconsin, a witness, called in behalf of the Defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You will have to talk louder than you ordinarily do, so the last members of the jury can hear you clearly and distinctly. So have that in mind, please. A. Yes, sir.

Q. How long have you been one of Jehovah's Witnesses? A. I was taken out of the religious organizations in 1898 and taught the true doctrines of the Bible by my mother—

The Court: You weren't asked all this. You were asked how long you had been a member of Jehovah's Witnesses. We are not interested in your life's story.

The Witness: I symbolized my consecration as one of Jehovah's Witnesses in 1931.

Q. And you have studied prior to that, is that correct? A. Yes, sir.

Q. Since that time, what company of Jehovah's Witnesses have you been associated with? A. I was associated with the Cassopolis, Michigan company of Jehovah's Witnesses. Beloit, Wisconsin company of Jehovah's Witnesses and Racine company of Jehovah's Witnesses.

Q. And what company of Jehovah's Witnesses are you now associated with? A. Racine, Wisconsin.

Q. And how long have you been in Racine? A. About five and a half years.



Q. What secular occupation do you follow, what business do you follow outside of being one of Jehovah's Witnesses? A. I am supervisor of tool design for the J. I. Case Tractor Works.

Q. Do you know Mr. O. R. Moyle? A. Yes, sir.

Q. How long have you known him? A. First met him in 1932.

Q. And was that during the time that he was associated with some company of Jehovah's Witnesses? A. That he was associated?

Q. Yes. A. I don't know.

Q. How did you come to meet him? A. I was invited to attend a gathering of friends in Jefferson, Wisconsin, and he was one of the speakers.

Q. Do you remember along in August, 1939, learning that Mr. Moyle was no longer connected with the Society as counsel at Brooklyn? Do you recall that Mr. Moyle was no longer connected with the Society as counsel at Brooklyn, sometime during 1939? A. Yes, sometime during 1939.

The Court: When?

Q. When did you learn it? A. That little article in the "Watch Tower" entitled "Information".

Q. Previous to that had you seen a letter designated as Defendants' Exhibit P, to which is attached another letter?

The Court: Had you seen that before the article appeared in the "Watch Tower"?



The Witness: I can't state whether it was before or exactly the same time. About that time.

Q. Along about that time? A. Yes, sir.

Q. Where did you see that? A. I saw that in the home of Fred and Jessie Aebly in Waukegan, Illinois.

Q. Do you know a man by the name of Harvey Fink? A. Yes, sir.

Q. And during 1939 what if any connection did he have with the Watch Tower Bible & Tract Society? A. He was what we call a Zone Servant of the Milwaukee Zone and Racine was one of the cities in that zone.

Q. During that time was Jehovah's Witnesses carrying on what was known as the "Information Marches"? A. Yes, sir.

Q. And did you have any conversation with Mr. Fink in reference to the Society's policies regarding what is known as "Information Marches"? A. Yes, sir.

Q. What, if any, conversation did you have with him and where was it? A. At the little village of Raymond Center we had a study class and he came to that study and asked me to come out from the study and discussed with me the Society's instructions regarding "Information Marches" and other topics.

Q. Was that before or after the arrest of the brethren at Racine for engaging in "Information Marches"? A. That was after the arrest.

Q. Tell us what, if any, conversation you had with him in that regard. A. He objected to the use of "Information Marches" for advertising his Kingdom and he also objected to a policy



that the Society had just adopted of the Society appointing study conductors.

Q. At that time was Mr. Moyle present? At the occasion of that visit? A. Mr. Moyle came to that meeting with Mr. Fink and he remained in the "Watch Tower" study meeting and Mr. Fink—

The Court: He merely asked you if he was present.

The Witness: He was not in the room.

Q. Did he come along with Mr. Fink? A. Yes, sir.

Q. Do you recall the arrest of several of the brethren involved in an "Information March" in Racine and Kenosha? A. In Kenosha, yes.

Q. How many were arrested? A. I think there were about 22.

Q. Do you know what attorney was employed to represent those that had been arrested? A. Mr. Brown of Union Grove.

Q. Did he represent them in Municipal Court? A. He represented them in the first trial. I don't know the name of the court.

Q. And after you saw Defendants' Exhibit P, the letter addressed to Fred and Jessie Aebly, did you write a letter to Joseph F. Rutherford regarding what you had seen in the letter? A. Yes, sir.

Q. Did you also advise him concerning the conversations that you had had with Mr. Fink? A. Yes, sir.

Q. I show you a document and ask you to identify it (handing paper to witness). A. Yes, sir.

The Court: That is the letter he wrote to Mr. Rutherford?

The Witness: Yes, sir.

Mr. Covington: We offer it in evidence.

Mr. Bruchhausen: It is quite a long letter and we have never seen it.

The Court: We will take an adjournment until two o'clock. Please do not discuss the case even amongst yourself.

(Whereupon an adjournment was taken until 2 p. m.)

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AFTERNOON SESSION

Two o'clock p. m.

(Trial resumed.)

LEROY B. JACKSON, resumed and testified further as follows:

*Direct examination by Mr. Covington (Continued):*

Mr. Bruchhausen: If your Honor plense, I respectfully object to the admission of the letter on the ground that it is a self-serving declaration. I have no objection to the witness testifying to what he knows.

The Court: May I see it?

(Letter handed to Court.)

The Court: Don't you think, Mr. Covington, it would be better—there are certain parts of this letter that I think you



will agree are inadmissible. Suppose you question him as to those parts that are admissible.

Mr. Covington: All right, your Honor.

The Court: Then you will get what you want into the record that way.

Mr. Bruchhausen: I have no objection to the witness stating what he knows, but conclusions that he arrives at I object to.

Q. In this letter—

Mr. Bruchhausen: I object to reference to the letter. I think the witness should be asked what he knows.

The Court: Let him take the letter and refresh his recollection.

Mr. Covington: I might state to your Honor—

Mr. Bruchhausen: Maybe he does not need it.

The Court: Let him have it. We will shorten it in that way.

Mr. Covington: The reason we are offering this is to show notice and knowledge.

The Court: I understand that, but there are certain parts that are clearly inadmissible.

Mr. Covington: Yes, I understand.

The Court: I think we all have the same purpose in mind.

(Letter handed to witness.)

By the Court:

Q. Do you remember the letter without read-



ing it? A. There might be certain details that I would not remember.

Q. We are not worrying about the details—A. I think I am ready to go ahead, your Honor.

The Court: If you want to refer to it, you may.

By Mr. Covington:

Q. Mr. Jackson, did you advise—

Mr. Bruchhausen: And I want to ask that counsel not lead the witness.

Mr. Covington: All right.

Q. What, if anything, did you advise Judge Rutherford on September 12, 1939, with reference to the activities of O. R. Moyle in the vicinity of Waukegan and Racine?

Mr. Bruchhausen: I object to the form of the question.

The Court: May I add one thing: That you knew of your own knowledge?

Mr. Covington: Yes.

Mr. Bruchhausen: I object to the form of the question on the ground that it is incompetent, irrelevant and immaterial.

The Court: Objection overruled.

Mr. Bruchhausen: Exception.

The Court: Exception to the plaintiff. Tell us those things that you advised him that you knew of your own knowledge.

The Witness: I knew that the letter written by O. R. Moyle was handed to friends and it was seen by other friends from that source.



Q. And did you so advise him, that it was being circulated in that neighborhood?

By the Court:

Q. You advised him of that fact? A. I advised him that I had seen the letter and it had been shown to friends.

By Mr. Covington:

Q. Did you ask him to do anything about it?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We will offer those parts of the letter that purport to be based on the witness's own knowledge and we will separate them later, your Honor. I do not desire to read it now.

Mr. Bruchhausen: I object to the offer of any portions—

The Court: I have to sustain the objection to that in view of the fact that there are lots of things in it that are inadmissible. You may still ask him anything about that letter that is competent.

Mr. Covington: We offer the letter in its entirety now for the sole purpose of showing that Judge Rutherford was informed of this activity described in the letter.

The Court: I think counsel will concede—

Mr. Bruchhausen: I object to the form of the question.

The Court: He has not put any question. He has made a tender.



Mr. Bruchhausen: I object to the statement, I should say, of counsel about this because it is an indirect manner of attempting to get the letter and its contents into evidence. I say it is purely a self-serving declaration, that this witness is here, and he can testify to what he knows.

The Court: I will sustain the objection to the admission of the letter.

Mr. Covington: We would like to have it marked.

The Court: Mark it for identification.

(The paper referred to was marked Defendants' Exhibit D-24 for identification.)

By Mr. Covington:

Q. Do you recall the occasion that Mr. Moyle attempted to get into the Information March case at Kenosha as attorney? A. I know that there was—

Q. Were you one of the defendants in those cases? A. No, sir.

Q. Were you arrested? A. Yes, sir.

Q. Was there not a test case taken out of that group of arrests? A. Three parties taken out of the group.

Q. You were of the group? A. Yes, sir.

Q. Do you know what effort Mr. Moyle made to get into those cases as attorney?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Q. What, if anything, do you know in refer-



ence to Mr. Moyle's connection with the Kenosha cases? A. I know that there was an attempt made to assign the case over to Mr. Moyle, and that Mr. Brown refused to sign it over.

Mr. Bruchhausen: I move to strike it out.

The Court: Strike it out as not responsive. Do you want to ask the question again?

Mr. Covington: Yes, sir.

The Court: Will you read the question, please?

(The question was repeated by the stenographer, as follows:)

"Q. What, if anything, do you know in reference to Mr. Moyle's connection with the Kenosha cases?"

The Court: Did he have any connection with the Kenosha cases, Mr. Moyle?

Q. Did he get employed in the Kenosha cases? A. He did not get employed.

Q. Was there sent to you by Mr. Moyle a document of substitution of attorneys? Did you receive such? A. I did, sir.

Q. And when you received it, where did you send it? A. I sent it to the Watch Tower Bible Society, Brooklyn, New York, attention Judge Rutherford.

Q. Do you recall the occasion that Mr. M. A. Howlett paid a visit to the various companies in your area in September, 1939? A. Yes, sir.

Q. Where was the first time that you saw Mr. Howlett on that occasion? A. I met him at the Interurban Station in Racine.

Q. That was the first meeting that you attended and Mr. Howlett addressed? A. At Kenosha, Wisconsin?

Q. At Kenosha, Wisconsin. A. Yes, sir.

Q. And on that occasion did he mention the case of Mr. O. R. Moyle? A. He did, sir.

Q. How long did the discussion last? A. I think there was a discourse of possibly an hour.

Q. And what was the subject matter or theme of the talk? A. The theme of the talk was going over the points—

By the Court:

Q. Did he first read the article that subsequently appeared in the "Watch Tower"? A. He read that article some time during the talk.

By Mr. Covington:

Q. And did he also give verbal explanation and offer statements?

Mr. Bruchhausen: I object to that as a conclusion.

The Court: It is leading and suggestive.

Q. What efforts, if any, did he make in reference to the charges contained in the letter of O. R. Moyle? A. He went over several of the statements item by item and made comments on them.

By the Court:

Q. Did he read Mr. Moyle's letter to Mr. Rutherford? A. No, sir.



By Mr. Covington:

Q. Did he take up the matter of discrimination, the use of foul and abusive language at the table, and such subject matters as that at the Bethel Home during his conversation? A. I believe that was one of the paragraphs that he discussed.

Q. After you heard the conversation and talk with Mr. Howlett and had read the letter of O. R. Moyle in the hands of Mr. and Mrs. Aebly, did you reach any conclusion as to whether or not the charges made in Mr. Moyle's letter were false or true? Did you reach any conclusion one way or the other? A. I did, sir, yes, sir.

Q. What conclusion did you reach with reference to the charges that Mr. Moyle had made in his letter? A. I reached the conclusion that those charges were false, with a few exceptions.

Q. And did you believe what Mr. Howlett had advised the congregation to be true? A. Yes, sir.

Q. Did the Racine congregation pass a resolution concerning the actions of O. R. Moyle? A. Yes, sir.

Q. I show you a "Watch Tower," page 207, entitled "In Harmony with Action Taken," and ask you if you have ever seen the original of that (handing to witness).

The Court: Do you mean the original or one of the "Watch Towers"?

Mr. Covington: One of those.

By the Court:

Q. Had you seen that before? A. Yes, sir.



Q. Was such a resolution passed by the Racine company? A. Yes, sir.

By Mr. Covington:

Q. Were you one of those present and did you vote in favor of that resolution? A. Yes, sir.

Q. That related to the action of O. R. Moyle, did it not? A. Yes, sir.

Mr. Covington: We offer it.

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit D-25.)

Q. Do you recall whether or not the resolution was passed after Mr. Howlett's visit to Racine? A. It was passed after his visit, yes, sir.

Q. Did you attend any of the gatherings or congregations that were addressed by Mr. Howlett outside of the Kenosha company? A. Yes, sir.

Q. Which? A. At Waukegan, Illinois.

Q. And when was that? A. It was the next night after he was in Kenosha. I don't know the exact date.

Q. Did he make a speech along the same lines as at Kenosha? A. Somewhat along the same lines, but it was different.

Q. Did he read the article entitled "Information"? A. I don't remember.

Q. Could you tell the jury whether or not prior to the visit of Mr. Howlett, the friends in and around Racine had received copies of the letter of O. R. Moyle?

Mr. Bruchhausen: I object to the form of the question.



The Court: Objection sustained as to form.

Q. Prior to the visit of Mr. Howlett, did you know whether or not copies of the letters of O. R. Moyle had been seen and read by members of the Racine company of Jehovah's Witnesses?

Mr. Bruchhausen: I object to it as too general.

The Court: I will permit him to answer.

A. I do not know of the letter being circulated among the Racine friends.

Q. In the neighborhood outside of Racine, the other companies. A. Waukegan is the only place I know of definitely at that time.

Q. Afterwards was the letter circulated, after the Howlett visit, that you recall? A. I heard that it was.

Mr. Bruchhausen: I object to the form of the question.

The Court: It is too general.

Mr. Bruchhausen: There is no identification of persons here.

The Court: Objection sustained.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How many members were there in the Waukegan company in 1939? A. I don't know.

Q. Were there a dozen? A. Do you mean the Racine company?

Q. Yes, Racine. A. Probably in the neighborhood of twenty-five.

Q. How many were present when this resolution was offered? A. I don't know.



Q. Did you prepare the resolution? A. No, sir.

Q. Who prepared it? A. I don't know, sir.

Q. Weren't you present? A. I was at the meeting.

Q. Didn't you see what was going on? A. Yes, sir.

Q. It was a small room? A. There was more than one room.

Q. Was the resolution there when the meeting started? A. No, sir.

Q. Was it prepared during the meeting? A. It was prepared after the meeting.

Q. How long afterwards? A. Immediately after.

Q. Were you present? A. Yes, sir.

Q. Could you tell the Court and jury who prepared it? A. I had other duties I was looking after at that time.

Q. You were present right while it was being prepared? A. It was prepared out in the other room. I could make a guess between two parties if you cared to know.

Q. You were the company servant, were you not? A. No, sir.

Q. When did you become company servant? A. Less than six months ago.

Q. Do you recall that there is a man by the name of Edwards who was appointed company servant at one time—or Richards? A. Yes, sir.

Q. And you were a candidate for that appointment, were you not? A. No, sir.

Q. Did you have any trouble with a Mr. Eickhoff? A. I had a little, yes, sir.



Q. And when was that? A. That was when I lived in Beloit, Wisconsin, about 1936.

Q. And wasn't that difficulty reported to headquarters in Brooklyn? A. Yes, sir.

Q. And as a result of it, Mr. Moyle was sent out to investigate, wasn't he? A. Yes, sir.

Q. And he made a report sustaining Mr. Eickhoff, didn't he? A. I don't know, sir.

Q. And the report was not friendly to you, was it? A. I don't know.

Mr. Covington: May we object to that?

The Court: He has already said "I don't know." Do you want to strike out the answer?

Mr. Covington: No, sir.

Q. At any rate, you did not become company servant at that time? A. We were not operating under a company-servant arrangement at that time.

Q. When did this letter of Mr. Moyle first come to your attention? A. When I saw it in Fred Aebly's home at Waukegan, Illinois, about, I should say, around the 1st of September or maybe in the first week of September, possibly.

Q. You read the article of September 1st in the "Watch Tower" entitled "Information," and in substance stating that Mr. Moyle was dismissed for unfaithfulness? A. I read the article, but I don't recall that it said that.

Q. Do you recall what it said? A. The part that I do recall is that all legal matters will be referred to the legal desk at 117 Adams Street. That part I recall.

Q. You read it at the time, at any rate? A. Yes, sir.

Q. You knew then that Mr. Moyle had been displaced in the organization? A. No, sir. The article—

Q. Or that he was removed from the organization? A. No, sir, I did not know that.

Q. You knew that he was removed as counsel? A. I didn't know that.

Mr. Bruchhausen: Have you got the article?

The Court: It is Plaintiff's Exhibit 6.

Q. I show you Plaintiff's Exhibit 6 and ask you whether that refreshes your recollection (handing to witness). A. Yes, it does.

Q. Was that article discussed at your meeting? A. No, sir.

Q. Then you recall the article of October 15th entitled "Information"? A. That is the article signed by the Board of Directors?

Q. Yes. A. Yes, sir.

Q. And you agreed with that article? A. Yes, sir.

Q. And also the article of November 15th, the "Snares" article? A. I don't recall the contents of that article, sir.

Q. Do you recall that Mr. Moyle was labeled a man-pleaser, and that he had not properly taken care of the interests of Jehovah's Witnesses in the court trial?

Mr. Covington: I object to that.

The Court: Objection sustained. Have you read this article before?



The Witness: Not in recent months or even years, I believe.

The Court: That is Plaintiff's Exhibit 5.

Q. I call your attention to that part of Plaintiff's Exhibit 5 which is marked on page 342 (handing to witness). A. I read it.

Q. Does that refresh your recollection? A. Yes.

Q. And you accepted that article as true, did you not? A. Do you refer to the part about being a man-pleaser?

Q. Yes. A. The article starts out with an "If" and if that is true, I agree with it.

Q. You did not make any inquiry about the facts contained in this article, did you?

Mr. Covington: If your Honor please, this line of inquiry as to the meaning of the article is really immaterial.

The Court: He is not asking about the meaning of the article. He asked him if he made any investigation of the facts in the article—is that your question?

Mr. Bruchhausen: Yes, sir.

The Witness: That paragraph starts out with the word "If"—

The Court: No. Did you make any investigation of the facts outlined in the article?

The Witness: No, sir.

Q. I call your attention to part of it which has no "If" in it and says this: "One who fails or refuses to look well to and defend the interests of a Christian, and does so in order that he might appear as a good fellow in the eyes of



other men"— A. That starts out with "One," and if that one is me, I would agree to it.

Q. You agreed with that? A. Yes.

Q. You did not make any inquiry about that statement? A. No, sir.

Q. And the effect of that article and the article "Snares" on your group was that they became alienated against Mr. Moyle, didn't they? A. They became alienated against his action, yes, sir.

Q. And from those articles, they deemed him an evil servant?

Mr. Covington: That is going into the realm of argument and conclusion, your Honor.

The Court: I think so. Ask him what was the result of their having read the articles.

Q. What was their conclusion after they read the article? A. They passed a resolution expressing their views.

Q. That resolution preceded the article of October 15th, didn't it?

By the Court:

Q. Did that resolution come before the publication of the article of October 15th? A. I don't know, sir.

By Mr. Bruchhausen:

Q. Didn't you just tell us that as a result of Mr. Howlett's visit, the resolution was prepared? A. Yes, sir.

Q. When did Mr. Howlett visit you? A. In the middle part of September.



Q. How long after his visit was the resolution prepared? A. Probably within a week.

Q. So that the resolution was prepared prior to either of those two articles that were in the "Watch Tower" on October 15th and November 15th? A. Mr. Howlett read the one article.

The Court: He read it before it was published.

Q. It was prepared before the article of November 15th?

The Court: "Snares"?

A. Yes, sir.

Q. So that this resolution was prepared arising out of Mr. Howlett's visit there?

By the Court:

Q. Did the resolution come as a result of Mr. Howlett's visit and his discussion with you—by "you" I mean you all. A. It would be due to the information he brought, yes, sir.

By Mr. Bruchhausen:

Q. And Mr. Howlett did not read the letter of Mr. Moyle's? A. No, sir, to the best of my recollection, he did not.

The Court: That is all we are asking you is the best of your recollection.

Q. And you never saw Mr. Moyle's letter published at all, did you?

The Court: Up to that time.

Q. (Continued): At that time. A. I don't know what you mean by "published."



Q. Published in any magazine or newspaper? A. No, sir.

Q. And the only knowledge you had of it was through Mr. Aebly handing it to you, is that correct? A. That was my first knowledge of it, yes, sir.

Q. So that up to the time that Mr. Howlett got out there, you had not seen that letter excepting on that occasion? A. That is right, yes, sir.

Q. You have not at any time disagreed with anything that the "Watch Tower" has said, have you? A. My agreement with the "Watch Tower"—

The Court: No. Have you ever been in disagreement with anything the "Watch Tower" has published?

The Witness: Yes, sir.

Q. What? A. The earlier understanding is superseded by the newer understanding.

By the Court:

Q. Have you been in disagreement at the time? A. At the time, no, sir.

Q. At the time it was published, you agreed, but if subsequent developments made a change in their policy, you agreed with their new policy? A. Yes, sir, concerning the understanding of the Scriptures.

By Mr. Bruchhausen:

Q. You also have the belief that this is the only God's organization on earth, isn't it? A. Yes, sir.

Q. And that Mr. Rutherford was the repre-



sentative of God? A. He was one of the representatives, one of the servants.

Q. Who was the other one? A. There are many others.

Q. At that time? A. Yes, sir.

Q. Name some others. A. There are thousands of them.

By the Court:

Q. All the members of Jehovah's Witnesses? A. They are all servants of Jehovah God, yes, sir.

By Mr. Bruchhausen:

Q. Who is the head one? A. We have a Board of Directors and a President to operate the Society, the activities of the Society.

By the Court:

Q. When Mr. Rutherford was President, was he in effect head, or did you regard him as the head of the organization? A. Yes, to the extent that he was the head of the Board of Directors.

By Mr. Bruchhausen:

Q. You never heard this letter of Mr. Moyle read at any meeting, did you? A. No, sir.

Q. You just said a moment ago, did you not, that you agreed with the charges, with a few exceptions— A. That is right.

Q. Or that—give me your words. A. You said it right the first time.

Q. With a few exceptions? A. Yes, sir.

Q. What are the few exceptions? A. I cannot tell you, sir, because I don't recall. I don't recall the full contents of the letter. I don't mean

that I am trying to dodge, but I really don't know—

Q. You mean that the letter is true in some respects? A. Yes, sir, it was reported to be true in some respects, I believe.

Q. You did not state that in your resolution, did you? A. Those respects were so minor compared with the complete text of the letter, that it hardly was necessary.

Q. But you cannot recall what the ones were that you agreed with? A. No, sir.

Q. But you accepted Mr. Howlett's statement as to what the facts were, didn't you? A. I would say yes, substantially so.

Q. That was the basis of your decision? A. No, sir, not entirely.

Q. Well, you did not ask Mr. Moyle to come in there and state his side of the case, did you? A. Not at any meeting I was at.

Q. He was not invited into this Racine meeting before the resolution was prepared to state his side of the case, was he? A. The "Watch Tower" stated that he had severed connections with the Society. We naturally would not do that.

Mr. Bruchhausen: I move to strike out the answer.

The Court: Strike it out. Did you call him in before——

The Witness: No, your Honor.

Q. So that your decision on this resolution was based entirely on what Mr. Howlett said? A. No, sir.

Q. What else? A. Well, I would say previous experience with Mr. Moyle as you referred to in this other case you spoke of down at Beloit.



Q. You based it somewhat on that? A. Somewhat, yes.

Q. What were the details of that experience that you based it on? A. I don't recall all the details.

Q. It did not have anything to do with the charges in the letter, did it? A. This letter?

Q. The experiences in Beloit did not have anything to do with the charges in this letter? A. No, none whatever.

Q. You recall a statement in one of the articles calling Mr. Moyle a Judas, don't you? A. I don't recall that.

Q. Let me refresh your recollection: "Judas was entrusted by Christ Jesus with confidential matters and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord." Does that refresh your recollection? A. That doesn't say anything about Mr. Moyle.

Q. You know that Mr. Moyle's letter is mentioned in here, don't you? A. No, sir. Read it out.

Q. Just read the article (handing to witness). Who was the Judas, then, that was referred to in that letter, if you know? A. To speak of a person as a Judas, that is a figurative term of speech.

Q. It is calling someone a Judas, is it not? A. One who goes against his brethren, yes.

Q. Didn't that refer to Mr. Moyle? A. I



haven't read the article, but I assume that it does, the way you refer to it.

Q. And you accepted that charge that he was a Judas, didn't you? A. I had nothing to do with that charge there.

The Court: We know that, but did you agree with it?

The Witness: Yes, to the extent that he had gone against his brethren, yes.

Q. In fact, your resolution which you signed is based on that article, is it not? A. I don't know whether our resolution was written before this article or not. I know our resolution was written after the September 1st article.

By the Court:

Q. After Mr. Howlett's visit? A. That is right, after Mr. Howlett's visit.

By Mr. Bruchhausen:

Q. Didn't you say that Mr. Howlett read the article "Information" at the meeting? A. Yes, sir.

Q. And isn't that the article "Information" that was read? A. Yes, October is the one.

Q. And that is the one that has the label of Judas, hasn't it? A. It does, sir.

Q. What evidence can you tell this Court and jury was based on that label of Judas as against Moyle what evidence that you heard from Mr. Howlett? A. I read the letter of Mr. Moyle's, and that letter is the thing that showed me that he has gone against his brethren.

Q. Don't you know that that letter was written privately to Mr. Rutherford? Did you know



that? A. The contents of that letter was distributed before Mr. Rutherford had it. I wouldn't call it private.

Mr. Bruchhausen: I move to strike out the answer.

The Court: Strike it out.

Q. Don't you know that that letter was delivered to Mr. Rutherford privately? A. I heard that it was put in the mail-box.

Mr. Bruchhausen: I move to strike it out.

The Court: Strike it out.

Q. Yes or no, do you know that? A. No.

Q. Don't you know that that letter was read by Mr. Rutherford himself before the Family at Bethel?

Mr. Covington: May it please your Honor, he is asking him about matters he does not have any knowledge of.

The Court: Objection sustained.

Q. Did you investigate to find out what was done down there in Brooklyn with that letter? A. I rely on the judgment of the Board of Directors, sir, as to what is going on at Brooklyn.

Q. So you accepted that in its entirety without any inquiry at all? A. As being the best judgment of the Board of Directors, yes, sir.

Q. You have mentioned some dispute that you had with Mr. Fink about these Information Marches, didn't you? A. It wasn't a dispute, sir. It was a discussion.

Q. And you know that it is possible to have



disagreement about details in the running of the companies, don't you? A. Yes, sir.

Q. And people have differences of opinion? A. Yes, sir.

Q. And you know that Mr. Fink was opposed to having signs put on the street "Religion is a snare and a racket"; don't you know that? A. Yes, sir.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Is it the policy to usually disagree on the commandments of the Society with reference to the operation of the companies? A. It isn't the policy, no, sir.

Mr. Covington: That is all.

(Witness excused.)

The Court: Next witness.

Mr. Covington: Roger Marquardt.

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ROGER MARQUARDT, 1610 West Walnut Street, Milwaukee, Wisconsin, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

The Court: Mr. Covington, before you proceed, how many out-of-town witnesses would you like to dispose of?

Mr. Covington: About twelve more, your Honor.

*Direct examination by Mr. Covington:*

Q. How long have you been one of Jehovah's witnesses, Mr. Marquardt? A. Since 1930.



Q. And have you been connected with the Milwaukee, Wisconsin, company since that time? A. No, sir.

By the Court:

Q. Whom were you connected with first? A. I was connected with the Bevent company of Jehovah's Witnesses from 1930 to the spring of 1937.

By Mr. Covington:

Q. And after that time, you have been with the Milwaukee company? A. That is right.

Q. Do you know Mr. Harvey Fink? A. I do.

Q. Do you know the plaintiff, O. R. Moyle? A. I do.

Q. How long have you known Mr. Fink? A. Since the spring of 1937.

Q. And how long have you known Mr. Moyle? A. About the same time, a month or so later.

Q. Do you recall having a conversation with Mr. Fink in the early part of the year 1939, prior to the annual convention of Jehovah's Witnesses for that year? A. I do.

Q. Where was that, if you remember? A. That was at his office at, I believe, 7218 West North Avenue.

Q. Did you have a conversation there with him in regard to Mr. Moyle or the return of Mr. Moyle to Wisconsin?

Mr. Bruchhausen: I don't see how this is relevant, your Honor. I object to it as not binding.

The Court: It may be relevant later on. I will take it now.

A. I do.

The Court: "I did"?

The Witness: I did, rather.

Q. What was the conversation, if you recall? A. I had been there to see him about Information Marches, and he showed me a cartoon that Mr. Moyle had sent him.

Q. Was it a hand-drawn cartoon? A. It was.

Q. Tell the jury about it, please. It was a cartoon relating to show Mr. Moyle working and sweating and all worked out, and the exact opposite of that, Mr. Fink sitting with his feet up on a desk and taking it easy.

Q. Did you have a conversation with Mr. Fink then in reference to the need for an attorney in Information March cases that were coming up? A. I did.

Q. And what was it? A. He told me that we would soon have a good attorney here to take our side of the cases and we could iron those matters out that had been up for discussion with him some months previous.

Q. And in that, was he referring to Mr. Moyle?

The Court: Did he mention him?

Q. (Continued) Did he have the cartoon in his hand when he was talking to you about the matter? A. Yes.

Q. Do you recall when Mr. Moyle returned to Wisconsin? A. I do.

Q. When was that? A. The latter part of August, 1939.

Q. And when was it that you first saw Mr. Moyle after he returned? A. At the Sunday



evening meeting on one occasion, and within a day or so at the home of Harvey H. Fink.

Q. Did you ever hear Mr. Moyle repeat the reasons why he left Bethel? A. Not in its entirety.

Q. Did he ever state the substance of the charges that he made? A. He did.

Q. And on what occasion?

Mr. Bruchhausen: I object to "substance," if your Honor please.

Q. Just what did he say?

The Court: When, first?

Q. When was it? A. In the early part of September when he asked to have Moyle's side of the issue heard.

By the Court:

Q. That was at that meeting that we have heard about? A. Yes, sir.

By Mr. Covington:

Q. And you heard that and your testimony would be the same as the others in that regard? A. Yes.

Q. Mr. Moyle read the statement? A. Yes.

Q. What effect, if any, did that have upon the Milwaukee company, the reading of those charges in the company? A. Well, they were wondering why Mr. Moyle was there when he had a responsible position and much work to perform at Brooklyn.

Q. What, if anything, did it cause among the brethren? Did it cause dissension and strife? A. It caused dissension, yes.



Q. Do you recall the visit that Mr. Howlett paid to Milwaukee? A. I do.

Q. Were you present on that occasion? A. I was.

Q. Did you hear what he had to say? A. I did.

Q. Did the visit that Mr. Howlett paid to Wisconsin have anything to do in clearing out the dissension in the company? A. It did.

Q. After he paid the visit there, what was the change, if any? A. Well, we had received then the Society's side of the matter, so we knew both sides of the issue.

Mr. Bruchhausen: I object to "we knew both sides of the issue."

The Court: Strike it out as a conclusion.

Mr. Bruchhausen: I move to strike out the answer.

Q. What effect did it have upon the company after that, after Mr. Howlett's visit? Did Mr. Howlett's visit have any effect upon the company in removing dissension? A. Yes, it did.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You did not wonder why Mr. Moyle was back there after you read that article on September 1st in the "Watch Tower," did you? A. No, I didn't.

Q. That removed all wonderment from your mind, did it not? A. As to why he was back or—



Q. Didn't you read the article where they said he was dismissed for unfaithfulness? A. Yes

Q. So that gave you the answer as far as the "Watch Tower" was concerned as to why he was back in Wisconsin, didn't it? A. To some extent.

Q. Then you got it to a further extent when Mr. Howlett came out there and read "Information," didn't you? A. Yes, it was clarified then.

Q. And the only thing that Mr. Moyle did was to read a statement at the meeting on September 8th; you recall that statement, don't you? A. Yes.

Q. And that is all he said about it? A. I believe so.

Q. And you did not see the letter, did you? A. I did not.

Q. Have you ever seen the letter? A. I have not.

Q. And you never saw it published any place? A. I have not.

Q. You read these articles on October 15th and November 15th? A. I did.

Q. And you accepted them, did you not? A. I did.

Q. And believed them? A. I did.

Q. In other words, you believe in anything that appears in the "Watch Tower"? A. That is right.

Q. You believe also it is God's organization on earth? A. That is right.

Q. So that if a statement comes through the "Watch Tower," that is enough for you? A. That is right.



Q. You don't need any other evidence or make any inquiry, is that correct? A. That is right.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: Bill Tharp.

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BILL THARP, Rural Route 5, St. Joseph, Missouri, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation, please? A. I am a full-time representative of the Watch Tower Society.

Q. A traveling evangelist and minister? A. That is right.

Q. What section of the country do you cover now? A. I cover that part of the country in Kansas and Northern Oklahoma.

Q. In the year 1939, in the fall of the year, August and September, where were you located? A. I was located in Kenosha, Wisconsin.

Q. And in what capacity were you then serving the Watch Tower Bible & Tract Society, please? A. I was serving as special pioneer and company servant in Kenosha.

Q. Do you know Mr. O. R. Moyle? A. I do.

Q. When did you first meet O. R. Moyle, if you recall? A. I met him at the home of Harvey Fink in the summer of 1938.



Q. And at that time did you know Mr. Moyle was in Brooklyn? A. Yes, I did.

Q. When did you first learn that Mr. Moyle had returned from Brooklyn and was no longer living at Bethel? A. I knew that he was going to before he returned. There was a lady associated with the Kenosha—

The Court: He asked you when.

The Witness: That was in August, I believe, or July, 1939.

Q. How did you learn that? A. There was a lady by the name of Schrader in the Kenosha company who corresponded with Mr. and Mrs. Moyle. She received a card from them, I believe it was the latter part of July, which stated that they would be associated with the Milwaukee company following their vacation.

Q. And after that occasion, did you have an opportunity to hear from Mr. Moyle again? A. Pardon?

Q. Did you hear from Mr. Moyle after he got out to Wisconsin? A. Yes, we saw him personally.

Q. You saw him personally? A. Yes.

Q. Do you know whether or not you ever saw a copy of the letter of Mr. O. R. Moyle to J. F. Rutherford, dated July 21, 1939? A. I don't remember the date, but I read the letter which was supposed to have been a copy of the one that went to Mr. Rutherford.

Q. Where did you see the letter? A. From the same lady, Mrs. Schrader.

The Court: Approximately when?

Q. And when was it? A. I believe it was—I am sure it was after his return and his going to Milwaukee.

Q. Was it before September 1st?

Mr. Bruchhausen: I object to it. He has already answered it.

The Court: I will allow him to try to refresh his recollection.

The Witness: I cannot remember whether it was before September 1st.

Q. You were company servant. Do you know whether or not that letter of O. R. Moyle addressed to J. F. Rutherford was circulated in the Kenosha company? A. It wasn't circulated from one to another, but each one that wished to read it had the opportunity to read it and did read it.

Mr. Bruchhausen: I object to that and move to strike it out.

The Court: Strike it out. It is not responsive.

Q. Did any members of the Kenosha company outside of yourself read the letter dated July 21, 1939, addressed to J. F. Rutherford by O. R. Moyle?

Mr. Bruchhausen: I object unless the witness can specify the names of the parties and when.

The Court: If you know of your own knowledge.

The Witness: I know. I saw them reading it.

Mr. Bruchhausen: I move to strike out



the answer unless the names of the parties are specified.

The Court: Instead of striking out the answer, tell us whom you mean by "them."

The Witness: I remember one Mr. Pollack reading it. I saw him read it. And there were others there, but I cannot remember their names. They were associated with the Kenosha company.

By Mr. Covington:

Q. About how many were there at that meeting. A. That was either before or after a study meeting. Practically the whole company was there.

Q. I show you Plaintiff's Exhibit 4 and ask you to look at it, please (handing to witness). Do you recall reading that letter? A. I do.

Q. Tell us what effect that had upon the unity of the Kenosha company of Jehovah's witnesses. A. It caused a great deal of discussion and perplexity in the Kenosha company.

Q. As a result of this letter, what happened to the Kenosha company of which you were company servant? A. There was a dissension and a division.

Q. Were there any that pulled away from the company as a result of the circulation of that letter? A. Yes.

Q. How many? A. Before I left, there were three families in Kenosha and one west of Kenosha.

Q. What portion of the Kenosha company pulled away? A. That would be about a third of the company at least.



Q. By the time you left? A. Yes.

Q. You don't know what happened afterwards, so you don't testify about that. Do you recall the occasion that Mr. Howlett paid a visit to the Kenosha company? A. Yes, I do.

Q. Did he address the company on that occasion? A. That is right. We arranged for a hall especially for his visit.

Q. Who was present, that is, what company of individuals was present? A. The Kenosha company was present in its entirety and a few from other companies came in.

Q. And on that occasion, did Mr. Howlett read the article entitled "Information" which later appeared in the "Watch Tower"? A. I think he did.

Q. And did he give any talk in addition to that? A. Yes.

Q. And what was his talk about? What was the subject? A. As I remember, he gave a talk about Miriam and Aaron criticising Moses because of his private life, and Miriam being stricken with leprosy, and the two of them being disapproved by the Lord for criticising His servant. Then he showed how Mr. Moyle had taken a similar course in criticising Judge Rutherford and the Board of Directors at Bethel.

Q. Did Mr. Howlett give a discussion as to his knowledge of the life at Bethel? A. Yes.

Q. And after the facts were presented before the assembly, could you tell what effect, if any, the visit of Mr. Howlett had upon the company that then remained? A. It made the division more apparent. Those who were for the Society became more united, and those who were for Moyle quit coming to the company studies.



Q. And after that, those that were in favor of the Society, did they continue to reside in peace and unity? A. Will you state that question?

Q. Did they continue to dwell together in peace and unity, the company? A. No.

Q. The brethren that remained with the Society? A. I cannot say that I know that they did, because I left—

Q. While you were there. A. While I was there, they did.

Q. Did Mr. Howlett in his discussion state that the charges made by Mr. Moyle were untrue? A. Yes. He explained why they were untrue.

Q. And on the occasion that you discussed the matter of Mr. Moyle's letter with Mrs. Schrader—I believe that is what you said her name was, the lady who had the letter? A. She had it in her possession.

Q. Was any evidence offered outside of the letter itself in connection with the charges made in the letter? A. By Moyle?

Q. Yes. A. There was no evidence.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. Are you familiar with the book "Creation"? A. That is the first book I ever read by the Watch Tower Society.

The Court: He did not ask you that. He asked you if you were familiar with it.

The Witness: Yes.



Q. That was published by J. F. Rutherford? A. That is right.

Q. And dated 1939, and called the 2,955,000 edition, is that correct? A. Yes.

Q. Do you recall a statement made in the rear about deliverance which says: "It is a great book bringing to the reader a vivid description of the Creator's marvelous plan for man's happiness and everlasting life, which shows how for centuries Satan's organization has ruled the earth and is responsible for the ignorance, oppression and misery of the human family"; do you recall that? A. I don't recall it.

Q. Then do you recall this book, "Fighting for Liberty on the Home Front" (indicating)? A. I do.

Q. Did you ever read that? A. I have.

Q. Have you read this portion of it:

"For these Four Freedoms, the Men at the Front Believe they are Fighting"—and those are the Freedom of Speech, Freedom of every person to worship God, and so forth—"and when they are mustered out, they don't expect to be disappointed in realizing these Freedoms in the post-war world. But are they? That depends on how these Freedoms are respected and fought for on the home front and safeguarded against officials who abuse their power and authority in the interests of selfish elements."

Do you recall that? A. I recall it.

Mr. Covington: At this time we move that the entire booklet—the question is immaterial and irrelevant and has no bearing on the case.



The Court: Objection sustained. Strike out the answer.

Q. One of your professions of faith or that of the Society is free speech, is it not?

Mr. Covington: We are going to move for a mistrial on account of the asking of that question that counsel has just read.

The Court: The motion is denied. The jury will disregard, of course, any questions or answers that are stricken out. The objection to the question which has not yet been made is sustained. I assume you want to object to it.

Q. You are serving in what capacity? A. When?

Q. In 1939. A. I was a company servant of Kenosha, Wisconsin.

Q. You weren't spending all your time on the "Watch Tower" at that time? A. Pardon?

Q. Were you devoting all of your time to the Watch Tower Bible & Tract Society at that time? A. Yes, sir.

Q. Were your expenses paid? A. No, not entirely.

Q. Some of them? A. Some of them were.

Q. You say that you are an ordained minister? A. That is right.

Q. Where were you ordained? A. I was ordained in two different places, you might say. I was ordained in Montana when I was baptized. Later I was officially ordained by the Watch Tower Society in 1932.

Q. Where was that? A. That was in Montana, also.

Q. Was that after any period of study? A. Yes.

Q. How long a period? A. I have been studying for two years.

Q. Where? A. In Montana.

Q. Was that study in books? A. Books and "Watch Tower" and other information.

Q. Just attending the Watch Tower meetings, is that it? A. We had our study classes which we attended.

Q. So that after two years of attending Watch Tower study classes you were ordained a minister in the Watch Tower organization? A. That is right.

Q. Is that the usual period of time? A. There isn't any time requirement.

Q. What do they give you, a certificate? A. They issued me a card authorizing me to represent them.

Q. Did you in the course of your work as company servant go around to deliver literature and tracts? A. Not as company servant, no.

Q. Or at any time? A. Yes, sir.

Q. Have you ever read this letter from Mr. Moyle? A. The one which was a copy of the one given to Judge Rutherford?

Q. Yes. A. I read it.

Q. When did you read it? A. I read it when this lady mentioned, Mrs. Schroeder exhibited it at Kenosha company.

Q. And then the next thing you saw after that letter was the article of September 1st in the "Watch Tower" that Mr. Moyle was dismissed for unfaithfulness? A. I don't remember which I read first, that or the letter.



Q. So that the letter may have come after that? A. It might have.

Q. And you accepted that statement from the "Watch Tower," that Mr. Moyle was unfaithful, didn't you? A. That is right.

Q. You would accept any statement made by the "Watch Tower?" A. Yes, sir.

Q. Being that this is God's organization? A. That is right.

Q. So you don't question any articles that they print? A. I don't question.

Q. And you also accepted the article of "Information" on October 15th, and the "Snares" article on November 15th? A. Yes, sir.

Q. And gave it the same credence? A. I accepted them.

Q. You said that Mr. Pollack had this letter at some meeting, as I understand it? A. I don't get your question. You mean—

Q. Pollack? A. Yes, sir, he read it and others did also.

Q. That is, he read it to himself? A. Yes, sir.

Q. And he brought it to the meeting, is that correct? A. No, he didn't bring it to the meeting. Mrs. Schrader brought it, yes, sir.

Q. Mrs. Schrader? A. Mrs. Schrader.

Q. Mr. Moyle wasn't there? A. He wasn't there.

Q. None of the Moyle family? A. No.

Q. How many were there in that group in your town there? A. About 25.

Q. You don't know whether or not those people that left returned afterwards do you? A. They didn't return.



The Court: Do you know whether they did or not?

Q. Do you know that of your own knowledge? A. I haven't been to Kenosha personally.

Q. You don't know that of your own knowledge? A. Not of my own knowledge, no.

Q. I ask you if you recall reading in the "Watch Tower" of February 15, 1939, this statement: "If the telling of that"—

The Court: Wait a minute. Show him the statement and ask him if he read it so we will have no controversies here.

Q. I show you the "Watch Tower" of February 15, 1939, page 53, the part that I have marked, and ask you to read it. It is a very short statement, down to the Scriptures' part.

The Court: Have you read that before?

The Witness: Yes, sir, I have read it before.

Q. Do you agree with that statement?

Mr. Covington: Let me take a look at it, please. If your Honor please, this line of inquiry, of taking up these various publications we submit, this one particularly, is immaterial and I would like to have you look at it.

Mr. Bruchhausen: Credibility, if your Honor please.

The Court: I think the first sentence is all right. I think after that it is objectionable.



Mr. Bruchhausen: It is a very short statement.

The Court: I think the first statement is all right.

Mr. Bruchhausen: I am going to withdraw it for the moment.

Q. Just one thing more. Did you notice the effect that the articles in the "Watch Tower" of September 1, 1939, October 15, 1939, and November 15, 1939, had on the groups that you visited? A. I didn't visit any groups at that time.

The Court: What effect did they have on your company, if any?

The Witness: The first thing was sort of a surprise, as I remember it. It caused a good deal of perplexity in the company. The next two statements resulted in those who held with the Society becoming more united.

The Court: Yes.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

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JOSEPH SKAEL, residing at 6607 Fifth Avenue, Kenosha, Wisconsin, a witness called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation? A. I am a minister.



Q. And in connection with what organization do you function as minister? A. With the Watch Tower Bible & Tract Society.

Q. And what company are you associated with? A. With the Kenosha, Wisconsin company.

Q. And how long have you been one of Jehovah's Witnesses? A. Since 1932.

Q. Is your family connected with the Kenosha company? A. Yes, sir.

Q. Do you know the plaintiff, O. R. Moyle? A. I do.

Q. How long have you known him? A. Since about 1932.

Q. Do you recall when Mr. Moyle came back from Brooklyn? And took up his residence in Wisconsin? A. I do.

Q. When was that, if you remember? A. I believe it is in the latter part of August.

Q. Do you recall when you first learned that Mr. Moyle was returning to Wisconsin? A. I do.

Q. And when was that? A. That was in August, sometime.

Q. Did you ever see a copy of the letter dated July 21st, addressed to J. F. Rutherford and signed by O. R. Moyle? I show you Plaintiff's Exhibit 4.

The Court: Have you ever seen a copy of that letter before?

The Witness: Yes, I have.

The Court: When and where?

The Witness: I saw this about the first part of September at the—

The Court: 1939?

The Witness: Yes, sir, at the Kenosha company Sunday meeting.



Q. Was it at the Sunday meeting? A. That is right.

Q. Who had the letter? A. A Mrs. Schrader had the letter. She was passing it around to the friends who wanted to read the letter.

Q. Was she a member of the Kenosha company of Jehovah's Witnesses? A. Mrs. Schrader was, yes.

Q. How many people were connected with that company? A. There were about 30 people connected with the company at that time.

Q. At this Jehovah's Witnesses? A. That is right.

Q. What effect, if anything, did this letter have upon the Kenosha company of Jehovah's Witnesses? A. It caused a whole lot of confusion.

Q. And as a result of that confusion what happened? A. A great breaking away from the company took place.

Q. You recall the occasion when Mr. Howlett paid a visit to Kenosha? A. I do.

Q. Were you present at the time of the meeting? A. Yes, I was.

Q. Did you hear him read the article entitled "Information"? A. I did.

Q. Did you hear him make the other statements? A. I don't exactly recall, but I believe they were taken up.

Q. About how many people broke away from the Kenosha company as a result of the confusion and dissension that you have described? A. From the time that Moyle returned from Brooklyn to Wisconsin up to date there are about 26 members that broke away from the Water Tower Bible & Tract Society.

The Court: He asked you about Kenosha.

The Witness: From Kenosha, yes.

Q. Is this the Kenosha company you are talking about? A. That is right.

Q. Was it an American company mostly? A. It was made up mostly of Polish members from that time.

Q. What happened? How many Polish families are now connected with the Kenosha company? A. Only about one or two Polish families are connected with the Kenosha company now.

Q. And all others? A. Have severed from them.

Q. Did you attend also the meeting of the Milwaukee, Wisconsin company of Jehovah's Witnesses when Mr. O. R. Moyle made a statement before the company? A. I did.

Q. Did you hear Mr. Moyle make a statement? A. Yes. He got up on the stage with Mr. Fink and he did read a statement.

The Court: He read the statement?

The Witness: Yes, sir.

Q. You heard him read it? A. Yes, sir, I did.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How old are you? A. I am 25.

Q. How long have you been a minister? A. I have been a fully ordained minister since 1940, but I have been associated—

The Court: He asked you how long you were a minister.



Q. How long did you study to become a minister? A. Ever since 1932.

Q. With the Watch Tower people? A. That is right.

Q. Attending classes? A. That is right.

Q. So that was the required period of study? A. There is no required period whatsoever.

Q. Is there any examination? A. No, sir.

Q. Is it the length of time that qualifies you to be a minister? A. No, it is your heart condition.

Q. Who examined your heart? A. The Lord does that.

Q. Well, is there an agent of the Lord who does it for you? A. A servant of the Lord. I am a servant of the Lord.

The Court: He says, is there an agent or servant of the Lord that examines your heart.

The Witness: We let the Lord do that judging.

Q. Is there any evidence of the Lord's decision as to whether you are qualified or not? A. Well, it is up to each individual to do all he knows how—

The Court: How do you become a minister?

The Witness: By your heart condition.

The Court: You mean you decide that yourself?

The Witness: Yes, sir.

The Court: And you say, "I am a minister"?



The Witness: Yes, sir, and you put in your full time.

Q. You spoke about these Polish members. Did they speak English? A. Most of them did, not very well, but they spoke English.

Q. Did they read in English or in Polish? A. They read Polish, but the letter was in English. Friends read the letter to them.

Q. Was it read out loud? A. To some of those members that could not read, yes.

Q. You say that Mrs. Schrader brought the letter in there? A. She is the one had the letter.

Q. How long has she been a member of the Watch Tower? A. I don't know.

Q. Were you in charge of the class that Mrs. Schrader attended? A. No, I was not in charge of that.

Q. Did you know Mrs. Schrader? A. I did.

Q. How long had you known her? A. I have known her since about 1935.

Q. And has she been in your class? A. She has been, yes.

Q. And you are very friendly with her? A. I was.

Q. And she was 100% Watch Tower attendant? A. She was.

Q. And Watch Tower advocate? A. That is right.

Q. This article of September 1st, you read, did you not? A. I did.

Q. That has been referred to here. A. Yes, sir.

Q. You read that before the letter, didn't you? A. Before which letter?

Q. Before Moyle's letter? A. I don't recall.



Q. When that letter on that article of September 1st which referred to Mr. Moyle being dismissed for unfaithfulness was brought to the attention of the membership, what effect did that have? A. That seemed to sort of stabilize the company a little.

Q. In other words, any article from the "Watch Tower" stabilized them? A. That is right, so far as organization.

Q. Was that because they couldn't disbelieve anything that came from God's organization on earth? A. That is right. We believe everything that comes from the Lord's organization as the truth.

Q. You don't quarrel with anything at all coming from the Lord's organization on earth? A. We believe everything that does come from the Lord's organization.

The Court: That is the Watch Tower.

The Witness: Yes, sir.

Q. So that it would not be necessary for you, nor did you make any inquiry at all about the facts back of all this? A. Well, the letter that was—

The Court: Did you make any inquiry or was it necessary for you to make any inquiry?

The Witness: No, it was not.

Q. For instance, you didn't make any inquiry to find out whether or not Mr. Moyle was a Judas, did you? A. No, sir.

Q. You took it for granted because the Watch Tower said he was a Judas that he was a



Judas? A. I don't recall that the Watch Tower called him that.

The Court: Whatever it said, you took for granted? That is what you are telling us?

The Witness: That is right.

Q. So that these articles that came and were published in the Watch Tower of September 15th, the "Information" article and the "Snares" article stabilized the Watch Tower people? A. To a certain extent, yes.

Q. None of them withdrew after they read those articles? A. Oh, no, they did.

The Court: You mean yes, some did withdraw?

The Witness: Some right along.

Q. How many withdrew from it when they read the Information article? A. That I don't know.

Q. How many withdrew and where from when they read the "Snares" article? A. I don't recall that either.

Q. Did you ever know? A. No, because it took a period of time for them to make up their minds.

The Court: The answer is "No, I never knew." Don't make speeches.

Q. Well, one thing more; you speak about 26 members going away from the Kenosha class. A. That is right.

Q. Are you still a member of that class? A. I am.



Q. What is the membership now? A. We have a membership of about 30 publishers.

Q. That is about the same as it has always been? A. Yes, sir.

*Redirect examination by Mr. Covington:*

Q. Your earthly ordination is from the Watch Tower Bible & Tract Society? A. That is right.

Q. Did you receive the same sort of an ordination as did the Lord Jesus Christ?

Mr. Bruchhausen: I object to that.

The Court: That calls for a conclusion.

Q. For the benefit of the jury, compare the ordination that you received with that which the Lord Jesus Christ had. A. The Lord received his ordination by the Baptism and the River of Jordan and the symbol of water, and that is the way I received mine.

Q. What Scriptural authority do you have for your ordination in that manner? A. It is the Scripture in which it says, where it says, "The spirit of the Lord is upon you, the spirit of the Lord anointed you to go preach to the people of good tidings to the meek," and so forth and so on.

Q. And is that Isaiah, 61:1 and 2? A. That is right.

Q. How were you consecrated and when? A. That is inwardly.

Q. And have you entered into a covenant with Jehovah to serve him as a footstep follower of Christ Jesus? A. I did.

Q. What is your draft classification? A. 4D.

Q. What is that? A. That is a ministerial rating.

Q. The present company of which you speak, is that the same people that used to constitute that company, or what source— A. No, sir, these are the new publishers that have entered since the time that Moyle came from Brooklyn.

*Recross examination by Mr. Bruchhausen:*

Q. Do you claim to have been Baptized in the River Jordan? A. No, sir, a symbol of water.

Q. Any river? A. That is right.

Q. Now, did you talk with the defendants' attorney about this case? A. I did.

Q. When? A. A few days ago.

Q. Do you know that those men in that class didn't leave until 1940? A. I don't get the question.

Q. Don't you know that the men that you refer to as having left the Kenosha class didn't leave that class until the year 1940? A. No, I don't know that.

Q. Are you positive that that wasn't the year 1939? A. From 1939 onward, yes.

Q. What month in 1939 and when did the first members of that class leave? A. When?

Q. No, who in 1939, what month in 1939 did any members of that class leave? A. Well, I don't recall the month, but I know from 1939 onwards they were dropping out.

The Court: How many left in 1939, do you know?

The Witness: No, I don't recall.

The Court: A bigger portion of this



28 or 30 that you say left, did they leave in 1939 or in 1940?

The Witness: They left in small groups, a family at a time.

Q. Did more go in 1939 than 1940? A. More went in the beginning, in the latter part of 1939 and the first part of 1940.

(Witness excused.)

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Z. ALLAN BOURNE, residing at Route 4, Green Bay, Wisconsin, a witness called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation? A. Minister of the Gospel.

Q. And in connection with what organization do you function as a minister? A. The Watch Tower Bible & Tract Society.

Q. And how long have you been connected with the Watch Tower Bible & Tract Society? A. Since the fall of 1936.

Q. Do you know a Mr. O. R. Moyle? A. Yes, I do.

Q. How long have you known the plaintiff O. R. Moyle? A. I became acquainted—

The Court: He said, how long.

The Witness: Since 1939 or 1938.

Q. Do you know Leland and Laura Rouse? A. Yes, I do.

Q. Where were you living during the year 1939



in the months of August and September? A. I was living in Jefferson County at Lake Mills, Wisconsin.

Q. Where did Laura and Leland Rouse live at that time? A. At Lake Mills, Wisconsin.

Q. And during that time were you connected or acquainted with them in connection with the company of Jehovah's Servants? A. Yes, sir.

Q. What company? A. It was known as the Lake Mills' company but named the Jefferson Company on the Society's records.

Q. And where was the meeting place situated? A. It was a residence on North Main Street, Lake Mills, Wisconsin.

Q. I show you Plaintiff's Exhibit 4, a letter dated July 21, 1939, addressed to J. F. Rutherford, signed by O. R. Moyle, and I ask you if you have ever seen a copy of that letter. A. Yes, sir.

Q. And what place was it? What town was it that you saw a copy of that letter in? A. At Lake Mills, Wisconsin, at the home of Carlisle Baers.

The Court: When?

The Witness: Sometime in August, in 1939.

Q. And in what connection was it that you had with the company at Lake Mills at that time? A. I was the company's servant.

Q. And prior to that had you heard about this letter being circulated in the company? A. Yes, I had.

Q. And you saw it in August—

Mr. Bruchausen: I object to that as too



general, if your Honor please, and I move to strike out the answer.

The Court: There hasn't been any answer. He just started the question.

Q. What effect, if any, did the circulation of this letter in that company have upon the members of the company? A. It caused the members of the company to doubt the sincerity of the president of the Society and to doubt the purpose of the Society and caused confusion and a condition of unharmony.

The Court: How about you?

The Witness: I had no doubts in my own mind.

Q. What happened as a result of that condition? A. Well, the first thing that happened as a result, I made it my business to call on these people and get their attitude, and I found that approximately three of the active families associated with that company were doubtful as to the purposes of the Society.

Q. And had they been visited by Leland and Laura Rouse? A. Yes, sir, they had.

Q. Was Leland and Laura Rouse associated with that company and attending the meetings? A. Yes, they were.

Q. After you discovered the letters being circulated was the matter taken before the company, as you recall? A. Yes, it was.

Q. What if anything did you do in presenting the matter to the company with reference to a pledge of loyalty to the Society? A. The matter was discussed and a resolution was read at this company.



Q. And who was present at that time? A. Most of the active members of the company were present—

Q. Was Leland and Laura Rouse present? A. Yes, they were.

Q. And on that occasion did you call for a vote of those present? A. Immediately following the reading this letter a vote by standing to adopt the acknowledgment of this resolution was called for.

Q. And did Leland and Laura Rouse stand? A. Yes, sir, they did.

Q. After this resolution did these letters continue to be circulated and discussed in the midst of the company?

Mr. Bruchhausen: I object to that unless details are given.

The Court: I will permit the question. Exception to the plaintiff.

A. Yes, they were distributed following that.

Q. This company was not visited by Mr. Howlett, was it? A. No, it was not.

Q. Do you know when this company attended a meeting that was attended by Mr. Howlett? A. A portion of the company attended a neighboring meeting held by Mr. Howlett.

Q. And at what place, do you know? A. Beloit, Wisconsin.

Q. Did you read the article entitled "Information" published in the "Watch Tower" of October 15, 1939? A. Yes, sir, I did.

Q. Did the other members of the company also read it? A. Yes.

Q. What effect, if any, did the reading of the



article entitled "Information" by the members of the company have upon the unity of the company? A. It brought about a reassurance amongst a portion of the company and confirmed their faith in the Society once again.

Q. Did any of the company break away or leave the Congregation? A. Yes, they did.

Q. Well now, how many, please? A. As I recall, there were particularly five families that were more active than the rest,—

The Court: He didn't ask you that. The question is very simple. How many.

The Witness: About three of the five families.

Q. Was any evidence offered by Leland and Laura Rouse other than this letter that had been circulated in support of the charges made in Mr. Moyle's letter? A. None whatsoever.

Q. Did you believe the charges made in that letter of July 21, 1939?

The Court: That is Moyle's letter.

Q. (Continued) Moyle's letter to the Society. A. No, I did not.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How old are you? A. 25.

Q. When were you ordained? A. I was ordained by the Watch Tower in 1937.

Q. How long did you study in the Watch Tower before ordination? A. Two and a half years.

Q. Just by attending classes? A. By attend-

ing the studies under the direction of the Watch Tower.

Q. Did you go to any schools before that? A. No.

Q. Never attended any schools? A. No, not under the direction of the Watch Tower.

Q. Did you ever attend any other schools? A. Yes.

The Court: What are they?

The Witness: Grade school and high school.

The Court: Did you graduate from high school?

The Witness: Yes, sir.

Q. Did you know somebody in the Watch Tower before you went in? A. I didn't get the question.

Q. Were you acquainted with anybody in the Watch Tower before you went in? A. Acquainted?

Q. Yes? A. Yes.

Q. How did it come to your attention, through the magazine? A. I don't get the meaning of your question.

Q. How did the Watch Tower Bible & Tract Society come to your attention, through this magazine that they get out, the "Watch Tower" magazine? A. I became particularly interested through their broadcasts over the radio.

Q. They had their own broadcasting station? A. Yes, sir.

Q. And you listened to Mr. Rutherford over the broadcasts, is that it? A. Yes.

Q. How many were there in this class of Lake



Mills? A. There were five families; I couldn't give you the exact figure but I would estimate it at about 25 attendants.

Q. You just said a moment ago, didn't you, that as you recall it, you read this letter of Mr. Moyle in the home of the Baers in August of 1939? A. Yes, I did.

Q. Did you talk to the attorney before you came to court today? A. I told him—

The Court: Did you talk to him?

The Witness: Yes, I did.

Q. And wasn't he talking to you about dates back in 1939, happenings in 1939? A. Yes, we were.

Q. When did you arrive here from Wisconsin? A. Last Tuesday.

Q. Are you staying at Bethel? A. No, I am not.

Q. Did you talk about these dates, August, 1939, and the dates you have testified to at any time prior to your getting to the attorney's office? A. Yes.

Q. Out in Wisconsin, did you? A. Yes.

Q. When last did you talk to anybody out in Wisconsin as to being at the Baers' home in August, 1939? A. It has been mentioned—

The Court: He said when last did you talk.

The Witness: I talked to my wife perhaps the last one.

Q. What is it that fixes in your mind that this meeting in the Baers' home was in August, 1939, rather than in September? A. I had gone on a



vacation about the last week in August and this matter came up shortly before I went on the vacation. That is why I wasn't at the Howlett meeting.

Q. How many vacations have you gone on since August, 1939? A. I perhaps take a trip once a year.

Q. You go on a vacation every August, every year?

The Court: Answer the question.

A. Not every August, no definite time.

Q. You may go in September? A. I might.

Q. And do you recall this article of September 1, 1939, in the "Watch Tower" about unfaithfulness? A. Yes, I do.

Q. And did that cause dissension in the class? A. I can't say that it did.

Q. Well, do you want to tell this Court and jury that any letter appearing in the "Watch Tower" doesn't cause dissension?

Mr. Covington: I object to that as argumentative.

The Court: The objection is sustained.

Q. But at any rate you say that there was no dissension in the class when the September 1st article came along, is that correct? A. No.

The Court: Do you say that there was or there was not dissension as a result of the article of September 1st?

The Witness: Well, there was a limited degree of dissension.

Q. Did anybody leave?



The Witness: As a result of that September 1st article?

A. No, they didn't.

Q. Did you ever see Mr. Moyle's article published any place in any magazine? A. No, I haven't.

Q. Was there any dissension after the article of October 15th, the "Information" article? A. No, no additional dissension.

Q. So the class then up to that time was stabilized and intact, wasn't it? A. No, it wasn't.

The Court: There was dissension before that but not as a result of those articles.

Q. Did the articles help to stabilize? A. I can't speak for all the individuals. To my mind, it fully convinced me.

The Court: You said you had no doubts, on your direct examination.

The Witness: That is right.

Q. The company still attended the meetings or the members continued to attend? A. They weren't all regular attendants from then on.

Q. Well, they were still with the Watch Tower, weren't they? A. Yes.

Q. They didn't withdraw from the Watch Tower? A. Well, there wasn't regularity after that as there had been prior to that.

The Court: You understand English. Read the question.

(The foregoing question was thereupon read by the Court Reporter.)

A. No, they hadn't, not officially.



Q. You read this letter of Mr. Moyle's, didn't you? A. Yes, sir.

Q. And that set forth his reasons for leaving Bethel, is that correct? A. Yes.

Q. And after he got to Wisconsin, after this article of September 1st of his dismissal, did you not hear inquiries made around as to why Mr. Moyle left, or what was his explanation? A. No, I didn't.

Q. You mean that nobody in the Watch Tower groups, after reading this article of September 1st, that he was dismissed for unfaithfulness inquired or wanted to find out why and what was back of it? A. Well, most of them had drawn their decisions by that time. They had Mr. Moyle's letter and they had the other side of it.

Q. You mean they made up their decision because of the "Watch Tower" article? A. To a certain extent.

Q. So that they took Mr. Moyle's letter and the "Watch Tower" articles and decided in favor of the Watch Tower, is that right? A. Two of the families out of the five.

Q. And that is because they were members of God's organization on earth, isn't it? A. Yes.

Q. In other words, they were getting the voice of God's representative telling them who to favor?

Mr. Covington: That is an argumentative question.

The Court: I think it is.

Mr. Bruchhausen: That is all.

Mr. Covington: No further questions.

(Witness excused.)



CHARLES J. EICKHOFF, residing at 650 Anne Street, Delavan, Wisconsin, a witness, called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct-examination by Mr. Covington:*

Q. What is your occupation? A. I am an Ordained Minister of Jehovah's Witnesses, Watch Tower Bible & Tract Society.

Q. And are you a full time minister? A. Yes, sir.

Q. And how long have you acted in that capacity for the Watch Tower Bible & Tract Society? A. Ever since 1929.

Q. There has been mention made of the word "Pioneer" in the evidence. What is a Pioneer? And are you one? A. I am a Pioneer, and it is required that one who puts in 150 hours a month is recognized as a Pioneer.

Q. Is that a term used by the Society to designate a full time minister of the Gospel of the Society? A. Yes, sir.

Q. What territory are you covered or is assigned to you in your capacity as minister for the Society? A. The County of Walworth, in Wisconsin.

Q. And how long have you been acting as full time minister in the State of Wisconsin? A. Ever since 1929.

Q. Do you know the plaintiff, O. R. Moyle? A. Yes, sir.

Q. How long have you known Mr. Moyle? A. I think from about 1930.

Q. During that time and up until the time that he left to come to Brooklyn, were you well acquainted with him? A. Very well acquainted with him.

Q. Did you regard him highly as one of Jehovah's Witnesses? A. I did.

Q. Was he active in the work of Jehovah's Witnesses? A. He was.

Q. After August, 1939, or during August, 1939, did you hear or learn that Mr. Moyle had returned from New York to Wisconsin? A. The first information I had of that was through the notice in the "Watch Tower" of September 1, 1939.

Q. After you received that notice in the "Watch Tower" did you receive any communication from Mr. Moyle? A. I did.

Q. I show you a letter and ask you to state what that is, please.

The Court: Is that the communication you received from Mr. Moyle?

The Witness: It is.

Q. Did you ask or communicate with Mr. Moyle and ask that he write you or advise you of these statements contained in this letter? A. I did not.

Q. Is this the first communication that you had from Mr. Moyle after he came back from Wisconsin—came back to Wisconsin from New York? A. I did not know where he was at the time when I received that letter.

The Court: Is that the first communication you had after you knew about the matter?

The Witness: Yes.

Mr. Covington: I offer it in evidence, being a letter dated September 5th. You have a copy of it?



Mr. Bruchhausen: Yes. We have no objection to it.

(The letter was received in evidence and marked Defendants' Exhibit D-26.)

Q. After you received that letter did you ever see Mr. Moyle? A. Yes.

Q. Did you attend a meeting at Milwaukee, Wisconsin, that was attended by Mr. Howlett? A. Yes.

Q. Did you see Mr. Moyle on that occasion? A. I think I saw him in the audience.

Q. Did you talk to him on that occasion? A. That I don't recall.

Q. From the time you got this letter until Mr. Howlett's visit in Milwaukee had you talked to Mr. Moyle at all? A. No.

Q. You had not? A. No.

Q. After that time did you ever have occasion to have a conversation with Mr. Moyle? A. Yes.

The Court: When and where?

The Witness: He came over to my place of residence with his wife and with Mr. and Mrs. Joe Jacobs.

Q. When was that, please? A. I don't remember the date, but it was after, I think, after Mr. Howlett's visit.

Q. Was it during the month of October, if you recall? A. Very likely it was at that time.

Q. What, if anything, did Mr. Moyle and his wife and Jacobs state the purpose of their visit to be? A. They came over to give us a call, a friendly call, and also to discuss the matter of



his dismissal from the Society and conditions there.

Q. Did you invite him to come over? A. I did not.

Q. Well, now, how long did they stay? A. I think they came about 3 o'clock in the afternoon and remained until about 7, I think, perhaps a little later.

Q. During the occasion of that visit, did Mr. Moyle discuss with you the contents of his letter or the charges that had been made against the Society, that you recall? A. There was something said about it.

Q. On the occasion of the visit, did Mr. Moyle and his wife take any exception or make any statements in opposition to the Watch Tower doctrines and teachings? A. I don't get your question.

Q. Was there any statement made by Mr. Moyle or his wife against the Watch Tower doctrines and teachings while they paid their visit to you? A. Mr. Moyle told me that he did not agree with the articles referring to "Filling The Earth."

Q. When did this come up, do you recall; what year? A. That came out in 1938.

Q. And was anything else said along that line by either Mr. or Mrs. Moyle at that time? A. Well, speaking of the matters contained in the letter that he had written me and which was exhibited here, and the letter that he had originally written—

Q. During the month of November did you and your wife pay a visit to the Moyles and if so for what purpose? A. We were invited there for a



Thanksgiving dinner and it was my purpose to see—

Mr. Bruchhausen: I object to his purpose.

The Court: You went there for Thanksgiving?

The Witness: Yes, sir.

Q. Did you discuss with O. R. Moyle the course of action that he had taken and the advisability of his repenting and working in harmony with the Society? A. We did speak about what he had charged the Society with, but nothing specific said as regards to advising him. I was waiting for a better opportunity.

The Court: Never mind what you were waiting for.

Q. Was there a discussion as to the Scriptural course that he should have taken in regard to the Society?

The Court: At the Thanksgiving dinner.

A. I don't think that I made any remark relative to that. I think maybe my wife spoke of that.

Q. In your presence, what did she say? A. She referred to the matter as being better, if it wouldn't be better for him to apologize and get back in line with the Society, something to that effect.

Q. And do you know whether or not Peter Moyle was present there, or do you recall?



Mr. Covington: I will withdraw the question.

Q. Do you know the Rouses? A. Yes.

Q. Leland and Laura Rouse? A. Yes.

Q. I will ask you if since the occasion of the Thanksgiving dinner you have had any communications from Leland and Laura Rouse in reference to attending convention sponsored by the Dawn or the Pastoral Bible Institute. A. I think that was at a later time when they wrote to us asking us to come to a convention that they were putting on at Lake Mills.

Mr. Covington: I believe that is all.

*Cross examination by Mr. Bruchhausen:*

Q. You had been friendly, I think you said, for a long time with the Moyles, hadn't you? A. We were friendly with the Moyles since about 1930.

Q. In fact, at one time your daughter stayed at their home all summer, wasn't it? A. Yes, sir.

Q. During the school year? A. One school year.

Q. When was it that you first learned about this letter that Mr. Moyle wrote? A. I didn't know anything about that letter until after I received this one that was presented here in this afternoon.

Q. I am speaking of Mr. Moyle's letter that he wrote to Mr. Rutherford. When did you first see that? A. I didn't see that letter.

Q. As a matter of fact, you didn't see that letter until you had requested a copy of it from



Mr. Moyle? A. I did not request a copy of it at all.

Q. Are you sure about that? A. I am. It may be that my wife requested a copy, but I didn't.

Q. But at any rate you saw the copy? A. I saw the copy at a distance. My wife read it and told me what the contents of it were.

The Court: Do you know whether your wife requested a copy of it or not?

The Witness: I could not definitely say so. I think maybe she did.

Q. You came here at the request of the Watch Tower Bible & Tract people without any subpoena or any court paper, did you not? A. Repeat that, please.

Q. You have come here to court at the request of the defendants, have you not? A. At the request of the counsel, yes.

Q. And your expenses are being paid here also, are they not? A. Yes.

Q. Are you on a salary from the organization? A. I am not.

Q. You say you are a full time minister? A. I am, yes.

Q. Do you get the $10 a month? A. I do not.

The Court: What do you get?

The Witness: I get an allowance from the literature I place and I depend upon funds that I possess.

Q. By allowance, you get a commission, don't you, from the literature? A. You could call it a commission.

Q. There are prices put on that literature, aren't there? A. Yes.

Q. There is a fixed price, for instance, for the book "Creation," and a fixed price for "The New World," and for "Government and Peace," and all these different books that have been written? A. The way we do, when a person desires to accept a copy of the bound book, we say they might have it on a contribution of 25 cents.

Q. You are familiar with this book, "Creation"?

The Court: If they don't make the contribution, they can't have it, is that the idea?

The Witness: If they say they would like to have it and would be willing to read it, we give it to them free.

Q. But you tell them how much the contribution should be. You tell the prospect how much the contribution should be? A. I do.

Q. In fact, you have seen this book, "Creation," haven't you? A. I have.

Q. Haven't you seen the back of this "Harp of God, 35 cents postpaid"? Did you ever see that? A. I think I have, yes.

Q. So that means if they send in that amount they got the book. And in the back here, "The entire set, 'The Harp of God,' 'Deliverance,' 'Creation,' 'Reconciliation' and 'Government,' postpaid for $1.98." That is correct, isn't it? A. Yes.

Q. Well, when did you first make up your mind that this letter of Mr. Moyle's was not true? A. Sometime after Mr. Moyle either had come to Milwaukee—

Q. Was it before you read the letter? A. What?



Q. When did you make up your mind that his letter was not true? A. I came to the conclusion in my own mind that such charges were so outrageous they couldn't be true.

Q. When did you come to that conclusion? A. When?

Q. At what date? A. It was after Mr. Howlett's visit.

Q. Can you tell us how long after? A. Possibly the latter part of November.

Q. And that was before you had seen the letter. You didn't see the letter until December, wasn't it?

The Court: Was that before you saw Moyle's letter to Rutherford?

The Witness: That letter—

The Court: That is a simple question.

The Witness: That letter—

The Court: It is a simple question. Only one of us can talk at a time. You can't preach. You are here to answer questions. Please answer them directly. He is referring to Mr. Moyle's letter to Rutherford. Did you make up your mind before you saw the letter or after you saw it?

The Witness: After I saw the letter.

Q. When did you see the letter? A. When did I get it?

Q. When did you see it? A. I think it was after Mr. Howlett had come to Milwaukee.

Q. Mr. Howlett didn't read the letter, did he? A. No.

Q. What he read was this article, "Information"? A. Yes, sir.



Q. Is it not a fact that you made up your mind that the charges were not true, the charges made by Moyle, after you listened to Mr. Howlett? A. Not entirely.

Q. That did a lot towards making your mind up, didn't it? A. It helped.

Q. You are a minister of this organization? A. Yes.

Q. And you take what they write in these magazines as absolutely true, don't you? A. In comparison with the Scriptures.

Q. There is nothing about the Scriptures in this article of September 1, 1939, saying that Moyle is dismissed because he is unfaithful, is there? A. I saw that article.

Q. There is no scripture in that? A. No.

Q. And you believed that, didn't you? You accepted that? A. I did not at that time.

Q. How long afterward did you accept it? A. It was not until after Mr. Howlett had come to Milwaukee.

Q. Between the date you read that article and September 1st, and the date Mr. Howlett came in there, did you tell anybody that you didn't believe in that article of September 1st, about unfaithfulness? A. I may have, but I don't recall.

Q. Can you name to this Court and jury anybody that you told during that period of time that you didn't believe or you doubted or questioned at all that article of September 1, 1939? A. I think the only one that I perhaps told it to was my wife.

Q. You didn't write to Mr. Rutherford about it, did you? A. No.

Q. Are there any of these charges that Mr.



Moyle makes that are true, in your opinion? A. I don't know.

Q. You have no evidence at all as to whether or not they are true, have you? A. Only from information that I have received.

Q. And that is from the Watch Tower people? A. Yes, sir.

Q. And entirely so? A. Yes.

Q. And you have taken the information that you have received and formulated your opinion on that, have you not? A. Not entirely. I reserved to myself time in which I could come to a full and definite conclusion on the matter.

Q. But you didn't tell anybody else about it except your wife? A. At that time.

Q. You didn't write in to Mr. Rutherford or anybody asking for further facts about this situation, did you? A. I did not.

Q. And you did not inquire of anyone around Milwaukee or anyone at all who might be apprised of the facts, did you? A. I didn't see any of them until the Milwaukee meeting.

Q. And you didn't even ask Mr. Moyle who had been your friend for many years as to what the facts were as he saw them, did you? A. He told me when he came what he had asserted in the letter was true.

Q. And you didn't believe it when he told you, is that it? A. Not entirely.

Q. What part of it did you believe? A. I thought that perhaps some at Bethel did take a drink of wine and perhaps some made certain suggestive remarks, untruths, but I thought that he probably exaggerated them.

Q. You agreed, didn't you, that the Judge used to scold some of these people there at Bethel?



You knew that? You knew that Mr. Rutherford from time to time scolded some of these people at Bethel and did it openly in the dining room? There is no mystery about that?

The Court: Did you know that?

A. I had heard something about that, yes.

Q. And the Judge had a very loud voice, didn't he? A. That I don't know.

Q. Did you ever listen to him over the radio? A. Yes.

Q. Didn't he have a loud voice when you listened to him over the radio? A. Naturally, it would be if it was amplified.

Q. You never heard his voice unamplified, did you? A. I heard him at conventions.

The Court: Did you— Did he have a loud voice? If you heard him at conventions you ought to be able to tell us without all this rigamarole. Did he have a loud voice or didn't he?

The Witness: He did have a loud voice when he made a point in his speech.

The Court: When he chose to use it he had a loud voice. Is that what you want to tell us?

The Witness: Yes.

Q. You knew that a great many of these things in the letter were true, didn't you? A. I did not.

Q. Didn't you know these things you told us were true? A. I did not believe that they were true. I wanted more information on that letter so that I could make a definite decision on it.



Q. Didn't you just say that the difference you make or the comment you make is that some of them were exaggerated, is that correct? A. I said I thought Mr. Moyle perhaps exaggerated some of the statements.

Q. But there is a great deal of truth in his letter? A. I believe that some of the people at Bethel, perhaps did take—

The Court: You told us that.

Q. And that there is a great deal of truth of the matters that he stated in his letter? A. I do not know to what extent, but perhaps some of it was true.

Q. And what you complained about and what was operating in your mind is that anyone in Moyle's position should not write a letter to the representative of God on earth, isn't that so? A. I do not hold that idea at all.

Q. Then you agree that he had a right to write that letter? A. I believe he had a right to write a letter if he wanted to.

Q. And did you hear the testimony about murmuring this morning in court? A. Murmuring?

Q. Yes. A. I sat too far back. I couldn't get it.

Q. You recall in one of these articles, or the article, "Information," that Mr. Moyle is charged with being a murmurer? A. I think I recall that now.

Q. Do you draw any distinction between a kind of a letter that might be written to Mr. Rutherford that is a murmuring letter and a letter that is not a murmuring letter? A. I don't know as I get your question.

Mr. Covington: I object to it.

The Court: I will sustain the objection to the question.

*Redirect examination by Mr. Covington:*

Q. After you had attended the meeting of Mr. Howlett and heard the evidence that Mr. Howlett had to offer you definitely knew, then, that Mr. Moyle was not correct in the charges that he had made in the letter of September 5th, to you, did you not? A. Yes, sir.

Q. This letter that is dated September 5th, did you receive that before Mr. Howlett made his talk at Milwaukee.

Mr. Bruchhausen: I submit that he has answered that already.

The Court: I don't recall whether he has or not, so I will listen to it again. Did you get that before Howlett came to Milwaukee, or don't you know?

Mr. Covington: It is dated September 5th, Defendants' Exhibit D-26.

A. I did, because it came a few days—

The Court: That is all you have been asked, whether you got it before.

The Witness: Yes, sir.

Mr. Covington: That is all.

(Witness excused.)

(Mr. Covington reads Defendants' Exhibit D-26 to the jury.)

(Whereupon, an adjournment was taken until Tuesday, May 18, 1943, at 9:30 o'clock a.m.)

(Continued in Volume II)

Kings County Clerk's Index No. 15845—Year 1940

# New York Supreme Court

**Appellate Division—Second Department**

OLIN R. MOYLE

*Plaintiff-Respondent*

*against*

FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, THOMAS J. SULLIVAN, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, CHARLES A. WISE, CLAYTON J. WOODWORTH, MATTHEW A. HOWLETT, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation, and WATCHTOWER BIBLE AND TRACT SOCIETY, INC., a New York membership corporation

*Defendants-Appellants*

## CASE ON APPEAL

**Vol. II—Pages 607 to 1328**

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## Exhibits

### *Plaintiff's Exhibits*


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| 3.—Letter from Olin R. Moyle to J. F. Rutherford, dated July 21, 1939 | 64 | 1731 |
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| 5.—Article entitled "Snares" appearing in the Watch Tower magazine dated Nov. 15, 1939 | 68 | 1740 |
| 6.—Article entitled "For Your Information" appearing in the Watch Tower magazine dated Sept. 1, 1939 | 79 | 1773 |
| 7.—Statement dated Sept. 6, 1939, read by Olin R. Moyle at a meeting | 90 | 1774 |
| 8.—Twelve pamphlets entitled "The Informant" dated January 1938, December 1938, January 1939, May 1939, June 1939, July 1939, August 1939, September 1939, October 1939, November 1939, December 1939 and March 1940 | 147 | 1776 |





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| 14.—Letter from Olin R. Moyle to W. E. Van Amburgh, dated Nov. 24, 1939 | 222 | 1808 |
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| 16.—Letter from Granville and Grace Fiske addressed to Bro. Rutherford and All the Bethel Family, dated July 1, 1940 | 438 | 1810 |
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| 20 for Ident.—Pamphlet prepared by A. A. Worsley | 1216 | 1815 |


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| A.—Letter from Watch Tower Bible & Tract Society, Inc. to Jehovah's Witnesses in Zone 1, Wisconsin, dated Sept. 21, 1939 | 105 | 1816 |
| B.—Letter from H. Fink to J. F. Rutherford, dated Sept. 12, 1939 | 106 | 1817 |
| C.—Letter from H. Fink to J. F. Rutherford, dated Sept. 21, 1939 | 107 | 1821 |
| D.—Letter from J. F. Rutherford to H. Fink, dated Sept. 19, 1939 | 107 | 1825 |
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| F.—Letter from J. F. Rutherford to H. Fink, dated Oct. 3, 1939 | 108 | 1830 |
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| D-6.—Letter from Olin R. Moyle to Mr. Confehr, dated Sept. 2, 1939 | 314 | 1919 |
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| D-29.—Pamphlet containing rules and regulations of Bethel Home | 920 | 1962 |
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| D-31 for Ident.—Letter from Olin R. Moyle to Clayton J. Woodworth | 1100 | 1969 |
| D-32 for Ident.—Letter from Clayton J. Woodworth to Olin R. Moyle, dated Aug. 15, 1939 | 1100 | 1969 |
| D-33.—Article concerning Jehovah's Witnesses appearing in the Fact Digest of June, 1939 | 1407 | 1970 |
| D-34 for Ident.—Letter from N. H. Knorr to Olin R. Moyle, dated Sept. 21, 1939, and letter from Olin R. Moyle to N. H. Knorr, dated Sept. 22, 1939 | 1466 | 1975 |
| D-35 for Ident.—Application for Pioneer Service made by Mr. Broad | 1468 | 1975 |
| D-36.—Minutes of Joint Meeting of Boards of Directors of the Watch Tower Bible & Tract Society of Pennsylvania and the Watch Tower Bible & Tract Society, Inc. of New York, held Aug. 8, 1939 | 1523 | 1975 |





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| D-39 for Ident.—Letter from J. F. Rutherford to Joseph Wheless, dated Aug. 6, 1940, with check attached | 1557 | 1985 |
| D-40 for Ident.—Letter from Joseph Wheless to Most Reverend Francis J. Spellman, dated July 7, 1939 | 1557 | 1985 |




Brooklyn, N. Y., May 18, 1943,
9:30 a. m.

(Trial Resumed.)

Mr. Covington: Willis Fennema.

WILLIS FENNEMA, Fort Atkinson, Wisconsin, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation? A. Ordained minister.

Q. And in connection with what organization do you function as an ordained minister? A. As one of Jehovah's Witnesses in connection with the Watch Tower Bible & Tract Society?

Q. How long have you served in that capacity? A. As a full-time ordained minister since 1938.

Q. And what company were you associated with during the year 1939? A. I was associated during the year 1939 part-time with the Waupun Company and for a time with the Columbus company.

Q. And those companies are in what state? A. Wisconsin.

Q. Did you know Laura and Leland Rouse? A. Yes.

Q. What connection, if any, did they have with either of those companies? A. They were the ones that were helping them out pertaining to getting knowledge of the Bible. They were pioneers at that time and they were carrying



on studies for the purpose of helping us get an understanding of the Scriptures.

Q. In August, 1939, were they in Columbus or some other place in Wisconsin? A. They were working in that territory.

Q. And that was included within— A. Was in their territory Columbus and Waupun.

Q. Were there several other towns in that territory? A. Yes. They worked various counties.

Q. Do you recall during August, 1939, or September, rather, 1939, seeing a copy of a letter dated July 21, 1939, addressed to J. F. Rutherford? A. Yes, I did.

Q. And signed by O. R. Moyle? A. Yes.

Q. From whom did you receive or see such a copy? A. It was sent to the Columbus company, sent by Laura and Leland Rouse to the Columbus company.

Q. And when was that? A. That was in the first part of September, 1939.

Q. Was the letter read to the company? A. Yes, it was. It was read by me to the company.

Q. And after the letter was read, was the matter discussed by the company and submitted to the company? A. It was discussed very much by the company.

Q. I show you Defendants' Exhibit N and ask you if that is the letter that you received from Laura and Leland Rouse (handing to witness). A. Yes, that is the letter.

Q. And attached to that was the letter that you referred to dated July 21st, addressed to Judge Rutherford? A. That is right.

Q. What effect, if any, did the reading of the letter of July 21st have upon the Columbus com-

pany? A. It caused a very great disturbance amongst the company.

Q. Did you rely upon the Rouses' integrity in receiving and reading the letter—

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Q. You say that the Rouses had been instrumental in helping many of the brethren in the company, is that right? A. That is right, and we relied upon them very much.

Q. Did the reading of the letter and the discussion of it by the company cause a division in the Columbus company? A. Yes, yes, it did.

Q. To what extent? A. There is one family in particular that left on that very account, and that family was my brother-in-law.

Q. Were you present in the Waupun company when this same letter was read before that company and discussed? A. Yes, I was.

Q. What effect, if any, did the reading of that letter have upon the Waupun company? A. It had a great effect upon them. It really caused a disturbance there also.

Q. What attitude did the Waupun and Columbus company have towards the Society prior to the time that this letter was read? A. They were very strong in favor of the Society.

Q. And was that true with respect to each member of the company? A. Yes.

Q. And after the letter was read, was there any doubt concerning the Society with any of the members of the company? A. Yes, there was, in the Columbus company.



Q. How long did the discussions continue in the company with reference to the charges made in the letter of O. R. Moyle? A. I couldn't say exactly, but I think it continued for a long period of time.

Q. Were you present when Mr. Howlett paid a visit to Waupun and Columbus companies in the month of September, 1939? A. I was.

Q. Did you hear Mr. Howlett read an article entitled "Information"? A. I did.

Q. Did his visit and talk to the company have any effect upon strengthening the brethren in removing the dissension and strife in the company? A. Yes, it did, very much so.

Q. What was the nature of his address, what was the subject of his talk? A. He brought out how that unity was one of the most important things there was as far as the Lord's organization was concerned, and that each one should strive to do what was right and to be in unity one with another.

Q. What companies were in attendance at the meeting addressed by Mr. Howlett, if you know? A. The Beaver Dam company and the Reesville company, Columbus company, the Waupun company, and I think the Brandon company.

Q. After Mr. Howlett's visit, did the Waupun and Columbus companies pass a resolution in favor of the Society and against the position taken by Mr. Moyle? A. The Waupun company did, but not the Columbus company.

Q. Was the matter ever brought before the Columbus company? A. Yes, it was.

Q. Was it tabled or just what happened in that regard? A. You mean the resolution?



Q. Yes. A. It was sent to the Society.

Q. The Columbus company and the Waupun company, did both of them send resolutions to the Society? A. No, just the Waupun company.

Q. Did the Columbus company ever pass a resolution at all in the matter? A. No.

Q. What connection did you have with the Columbus company? A. I was the Watch Tower study conductor.

Q. When were the Watch Tower study meetings conducted? A. The Watch Tower study meetings were conducted, if I recall correctly, on a Sunday evening.

Q. What connection did you have with the Waupun company at that time? A. I used to go to the Waupun company's service meeting because for one thing—

The Court: Not because.

A. (Continued) I went there for the service meeting and book study also.

Q. Was any relative of yours connected with the Waupun company? A. Yes, my folks.

Q. Did the Rouses submit any evidence of the charges made in the letter of O. R. Moyle outside of the letter itself? A. No, none whatsoever.

Q. When Mr. Howlett came and read the article entitled "Information," that was signed by nine members of the Board of Directors, was it not? A. That is right.

Q. And Mr. Howlett advised—

Mr. Bruchhausen: I object.

The Court: Yes, let him testify.



Q. What did Mr. Howlett advise in reference to the true conditions at Bethel? A. He advised us that the conditions were completely opposite to the way Moyle had put in the letter.

By the Court:

Q. Did he show you any evidence or did he just tell you? A. He told us.

By Mr. Covington:

Q. And did he exhibit the article entitled "Information" signed by the nine members of the Board of Directors? A. Yes, he did.

Q. After hearing Mr. Howlett's talk and reading the letter of O. R. Moyle, what conclusion did you reach in reference to Mr. Moyle's charges concerning the Society? A. We reached the conclusion—

The Court: "You personally"?

Mr. Covington: "You personally."

A. I reached the conclusions then that the charges were completely false.

Q. Was that the opinion expressed by the entire company, the Waupun company? A. The entire Waupun company, yes.

Q. And those present at the meeting, was there discussion of the matter after Mr. Howlett adjourned the meeting? A. Yes, there was quite a little discussion on it.

Q. Did the brethren appreciate the need of Mr. Howlett's visit?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.



Q. Was there any need for Mr. Howlett paying a visit to the Waupun and Columbus companies?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Mr. Covington: We except. That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How old are you? A. Thirty-one.

Q. And you have been a minister how long? A. Since 1938, November. That is when I was a full-time.

Q. How long did it take you to become a full-time minister? A. I have been in the Truth ever since 1933, and I have studied since that time.

Q. Studied where? A. I have studied at home.

Q. Did you attend any school— A. I attended Bible studies.

Q. Of the Watch Tower? A. Of the different literature obtained from the Watch Tower, that is right.

Q. No other outside school? A. No.

Q. When did you receive any notice that you were a minister? A. When I made— I think that is personal—

The Court: When?

The Witness: In 1938.

Q. What date did you become a minister? A. A full-fledged minister, in November.

Q. Any particular date? A. I don't just recall the exact date.



By the Court:

Q. Some time in November, 1938? A. That is right.

By Mr. Bruchhausen:

Q. Do you get a salary? A. No.

Q. Do you deliver books? A. I bring messages pertaining to the Bible to the people in the form of literature, books.

Q. Do you get a commission on it? A. On some of them, you might say we would, and on some of them, we don't. We give quite a number of them free.

Q. But you tell the people how much contribution you want on the books, don't you? A. Yes, on the books.

Q. You fix the price of them? A. It is really what it costs to bring the books to them.

Mr. Bruchhausen: I move to strike that out.

The Court: Strike it out. He wants to know whether you fix the price on the books.

The Witness: I? No.

The Court: Is the price fixed in Brooklyn or any place else?

The Witness: Yes.

Q. Did you at those times in 1939 and prior thereto deliver copies of the "Watch Tower" to these people that you visited? A. No, not at that time.

Q. Did you ever deliver copies of the "Watch Tower" to anybody? A. Yes, I have, in 1940.

Q. Did you ever deliver them prior to 1940? A. I cannot say that I really have.

Q. Have you seen others attached to the Watch Tower deliver them? A. Yes, I think I have.

Q. In 1939 and prior to 1939? A. Yes, I think I have.

Q. They went out and delivered them to persons other than members of Jehovah's Witnesses? A. That I would have to say no to because I do not know.

Q. You do not know whether that is so? A. The only ones I have ever seen them delivered to were the ones of good will or the ones that were associated with them.

Q. Are those of good will members of Jehovah's Witnesses? A. They are not full members, but they are becoming interested.

Q. Just at what point does a person graduate from good will to Jehovah's Witness? A. I don't know how to answer that because it requires explanation.

Q. Is there any particular rule that determines the difference between one of good will and a Jehovah's Witness? A. That is individually. Each one must take that up for himself.

Q. So you mean that the person you talk to determines whether he is a person of good will or a Jehovah's Witness? A. When he does the



Q. In what way? A. One thing is water, baptism or immersion. From that time on, he expresses his purpose to God and preaches the Gospel.

By the Court:

Q. He wants to know does he become a member of Jehovah's Witnesses when he is baptized. A. Yes.

Q. Before that, he is a person of good will? A. No, some of them are also before that.

Q. Is the time you become a member of Jehovah's Witnesses when you are baptized? A. That is up to each individual.

By Mr. Bruchhausen:

Q. So you may be a Jehovah's Witness without going through this baptism? A. When you are baptized—

By the Court:

Q. May you be when you are baptized? A. That requires explanation.

Q. You cannot answer it in that form? A. No.

By Mr. Bruchhausen:

Q. Without an explanation, is it possible to become a Jehovah's Witness without being baptized?



Q. What is that? A. It requires explanation.

Q. So you cannot answer it yes or no without an explanation? A. That is right.

Q. How many members were there in this Waupun company? A. I would say twelve.

The Court: We are talking in 1939.

The Witness: Twelve.

Q. You were the head of the class there, were you? A. No.

Q. The Rouses were? A. No.

Q. Who was the class servant there? A. I think it was either may dad or my brother.

Q. Were the Rouses active in that company? A. They were before.

By the Court:

Q. In August and September, 1939, who was company servant? A. I think my mother was—not company servant, but she was acting as assistant company servant. There was no company servant.

Q. Were the Rouses in that company at that time, August and September, 1939? A. No, not at that time.

By Mr. Bruchhausen:

Q. Did the Rouses visit that company? A. Yes.

will of Jehovah, yes, that is when he becomes one of Jehovah's Witnesses.

Q. And he determines that? A. That is right.

Q. Does he communicate it to anybody as to just when the transition comes? A. He makes a consecration with the Lord.

Mr. Covington: Your Honor, he has said that he could not answer that.

The Court: I will permit him to answer it once more.

A. I think I would have to say the same on that as I did on the other one.



Q. You read this letter of Mr. Moyle before that company, did you not? A. That is right.

Q. Did anybody request you to read it? A. Yes.

Q. Who requested you to read Moyle's letter? A. Laura and Leland Rouse.

Q. When? A. In the letter they sent with.

Q. They sent it to you? A. They sent it to the company.

Q. They did not address it to you, did they? A. No, it was sent to the company.

Q. And you were not the head of the class, were you? A. No.

Q. But you took it upon yourself to read it? A. It was appointed to me to read it. They appointed me.

Q. Who appointed you? A. The assistant company servant.

By the Court:

Q. Your mother? A. That is right.

By Mr. Bruchhausen:

Q. She asked you to read it? A. That is right.

Q. Do you recall the article of September 1, 1939, wherein is mentioned that Mr. Moyle is dismissed because of unfaithfulness? A. I do.

Q. Did you read that to the company? A. I don't recall whether we did of not.

Q. They read it themselves, didn't they? A. That is right.

Q. What effect did that have on the company? A. I don't know if it had so much effect on the company.

The Court: He asked you what effect did that have on the company.



The Witness: It had some effect on the company.

Q. What effect? A. It has the effect that they couldn't figure why Moyle had left his position in the organization.

Q. But they were not favoring Moyle, were they? A. They were not favoring anything at that time.

Q. Did it cause dissension? A. No.

Q. So you want to tell this Court and jury that that article dismissing Moyle for unfaithfulness did not cause dissension but that Mr. Moyle's letter which made charges against the organization did cause dissension?

Mr. Covington: I object to that as argumentative.

The Court: Sustained.

Q. Whom did you you speak to before you came to court today about this case? A. Today.

Q. Any time. A. The only one I can recall is Covington.

Q. Where did you talk to him? A. In Milwaukee at one time.

By the Court:

Q. When did you get here? A. Last week Sunday, a week ago Sunday.

Q. And you have not talked to anybody since you have been here? A. Just to Mr. Covington.

Q. Have you talked to him here? A. Yes.

By Mr. Bruchhausen:

Q. Where did you talk to Mr. Covington in Brooklyn? A. At Columbia Heights.

Q. What portions did he read? A. I don't recall; various portions.

Q. But you recall what you did at this Waupun meeting in September, 1939? A. Yes, because I did it myself.

Q. But you attended the meeting that Mr. Howlett attended? A. Yes.

Q. You recalled when counsel asked you about what details he gave as to what went on at Bethel, didn't you? A. That is right.

Q. What details do you recall on that? A. You mean the details which Howlett gave?

Q. Yes, what details did Mr. Howlett give about the conditions at Bethel? A. For one thing he told how unity was taking place and everything was in complete unity one with another.

Q. What else? A. And also that the letter which Moyle had sent out had no reference to himself at all, because he claimed that everything that was happening to him was all right; he was finding fault with somebody else.

Q. Did he say what fault he was finding with somebody else? A. He read parts of the letter.

Q. I am asking you to tell this Court and jury what you recall as to what Mr. Howlett said about that letter. A. He said that the things which Moyle was finding fault with was other Brethren in the Society; it wasn't himself; everything that was done there was treating him fine, but everyone else was the ones he was trying to find fault with.

Q. Did he say who the other people were that Mr. Moyle was finding fault with? A. I don't recall.



Q. Do you recall this article of October 15th entitled "Information"? A. That is right.

Q. Did you read that before the group? A. That was read before the group, yes.

Q. By whom? A. By Howlett.

Q. Do you recall something said about Judas in that? A. Yes.

Q. Did you acquiesce in the reading of that article? A. I don't get that.

Q. Did you agree with that article? A. Yes, fully, completely.

Q. What evidence did you have of Mr. Moyle being a Judas? A. You want the details of it?

The Court: Please answer the question.

A. (Continued) What evidence?

Q. Yes. A. The evidence was that it had nothing whatsoever to do with him. The charges he was making to the Society were about other brethren. It wasn't about himself. It was other brethren he was complaining about.

Q. Is that all the evidence you have that he was a Judas? A. And the activity he took by sending those letters around, causing confusion among the different brothers.

Q. What letters did he send around that you know of prior to September 24, 1939, and to whom? A. He sent it to the Reesville company, he sent it to the Waupun company, he sent it to the Columbus company. Rouse done it, but it was that letter.

Q. You don't know that Mr. Moyle sent it, do you? A. No, Rouse sent it.

Q. What other evidence did you have prior to September 24th of any letter sent to anybody? A. I don't recall.



Q. Those letters were sent after September 1st, were they not? A. That is right.

Q. And they were sent after the publication of the unfaithfulness article on September 1st, A. I don't remember whether they were sent after or about the same time. It came out in the article in the "Watch Tower."

Q. You don't know whether it was before September 1st or after September 1st, is that correct? A. What is the question?

Q. That those letters were sent around. A. Which letters?

Q. That you have been referring to by Mr. and Mrs. Rouse. A. That was sent after September 1st.

Q. Did you have any evidence there on September 24th—I withdraw that. Was anything said to you by Mr. Howlett at that meeting about Mr. Moyle not properly representing the Jehovah people in court? A. No.

Q. When did you ever hear of that for the first time? A. I don't recall whether that was in this court-house or whether it was before.

Q. Did you read the article "Snares" on November 15th? A. Yes.

Q. And do you recall something in that article about Mr. Moyle not properly representing Jehovah's Witnesses in court?

Mr. Covington: If your Honor please, there is nothing in that. The article speaks for itself.

The Court: I will permit him to answer.

A. I don't recall.



Q. Do you recall anything that is said in that article? A. I don't right now. I haven't read the article for quite a period of time.

Q. Do you recall this in that article: "If a man claims to be consecrated to God and is a lawyer and appears in court as counsel for another consecrated person and then conducts himself in the case on trial in such a manner that he might receive the approval of other men in the court, such lawyer is a man-pleaser"? A. Yes, I recall that.

Q. Don't you know that that article "Snares" was the first article in the "Watch Tower" of November 15, 1939? A. I don't recall that.

Q. Isn't the first article read at the meetings and studied? A. Yes.

Q. Do you say you don't recall that article or what I have read or the substance of it? A. I recall portions of it, but it has been a long time since I read that.

Q. Did you know anything about the case in court referred to? A. No.

Q. But you acquiesced in that article when you read it? A. I wouldn't say that on that article; on other articles.

Q. You did not write to anybody about it disapproving it, did you?

Mr. Covington: I object. It speaks for itself. I submit that his personal opinion is argumentative.

The Court: I think you are right.

Q. You say after Mr. Howlett's meeting, everything was smoothed over, is that correct? A. No, I didn't say that.



Q. Did you use the words "smoothed over"? A. No.

Q. What was the effect on the companies after Mr. Howlett's meeting? A. Those that were in favor of the Watch Tower, it stabilized them more, and those that were opposed to it, it also helped them to go the opposite way.

Q. Did you ever hear in all your experience as a minister for this organization of anyone who did not like some of the doctrines? A. Yes, I did.

Q. So that was not an uncommon experience for someone to disagree on the doctrines, was it? A. I don't quite—

Q. You cannot answer that yes or no?

The Court: Please read the question.

(The question was repeated by the stenographer as follows:)

"Q. So that was not an uncommon experience for someone to disagree on the doctrines, was it?"

A. Yes, it was.

Q. But some did withdraw from the organization even prior to September, 1939, because they did not like the doctrines, isn't that so? A. That I don't know.

Q. You don't know as to withdrawals after September, 1939, whether or not some of those people did not withdraw because they did not like the doctrines, do you? A. The ones I knew of withdrawed on account of the letter which was sent around.

Q. Did you question each one who withdrew



from the Waupun company? A. None of them withdrew from the Waupun company.

Q. The Columbus company, did you question each one of them? A. Yes.

Q. How many withdrew? A. One family.

Q. So it was not many, was it? A. One family.

Q. How many in the family? A. The man and wife and the children.

Q. How many in that company, the Columbus company? A. About seven or eight people.

Q. Do you want us to gather the impression that because this one family withdrew, that there was dissension caused there? A. Yes, there was, because the family was related to us.

Q. Just because the one family withdrew? A. That is right.

Q. Did you ever have a family withdraw before? A. Not that I know of.

Q. Never in all your experience as a minister? A. Not that I know of.

Q. Are your expenses paid in coming to court here today? A. Yes.

Q. Do you have an expense account as a minister? A. I don't quite get that.

The Court: That is a very simple question. As a minister, do you get an expense account from Brooklyn or any place else?

The Witness: No.

Q. At whose expease do you travel around with these different companies? A. It is really my own expense.

By the Court:

Q.What do you mean, it is really your own expense? A. Because I receive it from my folks, for one thing, voluntarily from my folks. They help out.

By Mr. Bruchhausen:

Q. Did you ever get any money from the Watch Tower organization for any of your expenses? A. Yes, I have.

Q. Do you also subscribe to the statement made here in court that the Watch Tower and Jehovah's Witnesses are God's organization on earth? A. That the Watch Tower is God's organization? Yes, I do, completely.

Q. And also that Mr. Rutherford was God's representative on earth? A. He was a servant of God.

Q. You accepted any statements made by the "Watch Tower" magazine as coming from God's organization on earth? A. That is correct.

Q. And believed all of the statements that were made in that article? A. With Scriptural facts.

Q. Without any investigation at all? A. We investigate from the Bible.

Q. Did you investigate any of these statements in the article of September 1st and the articles of October 15th and November 15th? A. You mean after the article came out?

Q. At any time. A. We did, to Howlett.

Q. Only from Mr. Howlett A. That is right.

Q. And you just listened to what he had to say, is that right? A. We did, yes.



Q. You did not ask him any questions, did you? A. I think some of us did.

By the Court:

Q. Did you? A. I don't recall.

By Mr. Bruchhausen:

Q. You recall some of the other things that happened? A. That is right.

Q. But this item you don't recall? A. I don't, to tell you the truth about it.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

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EMMETT C. MARSH, Beaver Dam, Wisconsin, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation, Mr. Marsh? A. I am an ordained minister of the Gospel.

Q. What Society do you function with as such minister? A. Watch Tower Bible & Tract Society.

Q. How long have you been connected with the Watch Tower Society? A. As an ordained minister, since 1938.

Q. In what capacity have you served the Watch Tower Bible & Tract Society? A. As pioneer, zone servant, and special pioneer.

Q. In 1939, August and September, in what



capacity did you serve the company. A. Zone servant at Wisconsin, Zone No. 2.

Q. What area did that cover of Wisconsin? A. Eighteen counties in the central part of Wisconsin, the eastern part.

Q. Did it include the Waupun and Oshkosh and Columbus and other companies north of Milwaukee? A. Yes.

Q. Do you recall the occasion of learning that letters had been circulated in your zone by Laura and Leland Rouse? A. Yes.

Q. When was it that you first learned that letters had been so circulated?

Mr. Bruchhausen: I object to the form of the question unless some details are given.

The Court: Objection sustained.

Q. What month was it that you found out that the letters had been circulated in your zone?

Mr. Bruchhausen: I object to the form of the question; "letters circulated" gives the impression that there were a great many letters, whereas there might have been only one.

The Court: Objection sustained.

Q. Did you hear of any difficulty in your zone in respect to any company that had received letters from Laura and Leland Rouse? A. Yes.

Q. Containing a copy of the O. R. Moyle letter? A. That is right.

Q. What company did you receive such information from, and when? A. From the Columbus company and the Horican company, Wisconsin.



By the Court:

Q. When? A. About September 1, 1939.

Q. Both of them? A. Yes.

By Mr. Covington:

Q. Some time in the first part of September? A. Yes.

Q. Was it before or after Mr. Howlett's visit? A. It was before.

Q. Do you recall attending a meeting of several of the companies in your zone that was addressed by Mr. Howlett? A. Yes.

Q. What meetings did you attend, Mr. Marsh? A. I attended one at Oshkosh and one at Waupun.

Q. What companies were present at the Oshkosh meeting? A. Black Creek, the Green Bay, Oconta and Oshkosh, Wisconsin, and also Fond du Lac, Wisconsin.

Q. Do you recall what the subject of Mr. Howlett's address was? A. Yes.

Q. What was it? A. He addressed the meeting in regard to the Moyle letter, and showed that he had taken a course in opposition to the Society, and he was out there to admonish us as to the course that was proper for Christians to take in regard to matters of these kind—

Q. Did he read the article entitled "Information" at the Oshkosh meeting? A. Yes.

Q. And did he state any reasons or base his talk upon any Scriptural reasons concerning the course to be taken by Jehovah's Witnesses? A. Yes.

Q. What, if anything, did he say in that regard? A. He used the example of Saul and



David. Saul had been anointed King of Israel, but he was doing things contrary to the Lord, and David thought he was going wrong, and had a chance to kill him two different times and refused to do so because he was anointed of God. He pointed out in this case the similarity.

Q. Did he mention the case of the organization working in harmony and citing the Scriptures for that? A. Yes, he did.

Q. What Scriptures did he cite in that regard? A. I don't recall.

Q. Did he mention anything concerning the course that O. R. Moyle had taken? A. Yes.

Q. Any Scriptural citation in that regard as to the course that O. R. Moyle had taken in filing his letter with the Society and leaving it? A. Yes, he mentioned Scriptures.

Q. What effect did the Howlett visit have upon that of the company in the zone that attended the meeting? A. It had a good effect upon the companies. It stabilized them in the faith and made them more unified.

Q. After that, did you notice whether or not any of the families moved away or pulled away from the companies? A. Yes.

Q. Did you notice any Moyle letters circulated in the zone after you had attended the Howlett meeting in 1939 or 1940? A. No.

Q. Did Mr. Howlett show the article entitled "Information" as having been signed by all of the Board of Directors, ten in number? A. Yes.

Mr. Covington: I believe that is all.

*Cross-examination by Mr. Bruchhausen:*

Q. The companies are now flourishing out



there, are they not? A. Well, they are doing fair.

Q. There is no difference in numbers in the Waupun company or the Columbus company or any other company than there was in 1939? A. I haven't been to the Columbus Company since.

The Court: What companies have you been to?

Q. As far as you know, there is no difference in numbers in the companies than there were in 1939? A. Yes, there is in one company.

Q. What company? A. Horican, Wisconsin.

Q. How many members were there in the Horican company in September, 1939? A. Eleven.

Q. And how many now? A. Nine.

Q. Were there any additions over the time from 1939 up to date, any newcomers? A. No.

Q. These companies are built up by your going around and giving out these tracts and circulars, aren't they? A. No, they were not. They were all established before I went out there.

Q. At these meetings, some of these people are the good-will people, are they? A. Yes, sir.

Q. And they may have been in there for a week or two weeks? A. That is right.

Q. And some of them may withdraw after they have been there a week or two weeks? A. Some of the good will people?

Q. Yes. A. Yes.

Q. They may not like it or it may not suit them, is that right? A. Occasionally.

Q. So they come in and go out for a number of different reasons, isn't that correct? A. These good-will people are not members of the company, but they do attend off and on.

Q. In the numbers that you have cited here as attendants, that includes those who have become Jehovah's Witnesses and the good-will people, doesn't it? A. This case of Horican wasn't. They were all eleven Jehovah's Witnesses.

Q. And as to the other companies? A. As far as I know, yes.

Q. So in the Columbus company, some of those people were good-will people, weren't they? A. Not the ones that left. They were Jehovah's Witnesses.

Q. How many left it? A. Two.

Q. Where are they now? A. They are living in that community.

Q. You say that you found support in the Scriptures for what Mr. Howlett gave you at that meeting or he cited the Scriptures? A. He cited the Scriptures.

Q. Did he tell you at that meeting that the Board of Directors ordered Mr. Moyle to leave Bethel in less than 24 hours? A. Yes.

Q. Did he give you any Scriptures for that? A. I don't recall.

Q. Do you know of any Scripture for that? A. If a man—

The Court: Do you know—that is a simple question and requires a categorical answer. Do you know, yes or no?

The Witness: No.

Q. Did you know then that he had been ordered to leave in 24 hours? Did anybody tell you that? A. Mr. Howlett.

Q. Did he tell you at that meeting? A. I think that was after the meeting.



Q. Did Howlett also say at that meeting that "Moyle got a trimming and couldn't take it"? A. I don't recall that he did.

Q. Will you say that that was not said by Howlett? A. No.

Q. Do you help to organize these companies? A. No, sir.

Q. You say you are in charge of the zone, is that it? A. I was at that time, but the companies were already organized before I was sent there.

Q. Have you had any activity in organizing? A. Yes.

Q. You go out and try to build up new territory, don't you? A. That is right.

Q. And try to start new meetings? A. Yes, sir.

Q. You try to get these good-will people to come in at the meetings? A. Yes, sir.

Q. Do you read any other religious books than the "Watch Tower" or what you get from the "Watch Tower"? A. Occasionally.

Q. How often? A. Oh, maybe twice a year.

Q. What other books have you read on religion other than what you get from the Watch Tower? A. I read "Faith of Our Fathers," and I have read some Methodist literature, "Seventh Day Advent."

Q. Do you read any sermons delivered by ministers? A. No.

Q. But you read the "Watch Tower" regularly, don't you? A. That is right.

Q. From cover to cover? A. Yes, sir.

Q. And you read all these books that are gotten out by the Watch Tower? A. That is right.



Q. By the way, how many books are there now up to this date gotten out by the Watch Tower that you know of? A. I believe there is twenty-four bound books.

Q. And some of them are printed in as many as thirty-six languages? A. I don't know that anyone of them is, but I guess they print books in that many languages.

Q. You know they have offices all over the world, don't you? A. No.

Q. You know they have an office in Capetown, Africa? A. I know that they did have. I think they do have yet.

Q. And in Berne, Switzerland? A. Yes.

Q. And in London, England? A. Yes.

Q. Bombay, India? A. I am not sure of that.

Q. Don't you know that it is in the back of the book, that it gives a street address for Bombay, India? A. I don't know that it does. I wouldn't say it didn't.

Q. Have you ever looked at it? A. Yes.

Q. So that in the back of one of those books is listed some ten or twelve cities of the world where the Watch Tower has offices, isn't that correct? A. Yes.

Q. And the "Watch Tower" magazine is printed in how many different languages? A. I don't know.

Q. But it is printed in a number of different foreign languages? A. Yes.

Mr. Bruchhausen: That is all.

Mr. Covington: Nothing else.

(Witness excused.)



NUR S. BALLUTEEN, 264 Sixth Avenue, Brooklyn, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Are you one of Jehovah's Witnesses? A. Yes, sir.

Q. How long have you been one of Jehovah's Witnesses? A. 1937.

Q. What is your business? Do you work for some concern now? A. Yes, I am working with a jeweler.

Q. During 1939, what company of Jehovah's Witnesses were you associated with? A. With the Milwaukee company, north unit.

Q. When did you move to Brooklyn? A. I moved December, 1942.

Q. Were you with the Milwaukee company during the months of July, August and September, 1939? A. Yes, sir.

Q. Will you please tell whether or not you know the plaintiff, O. R. Moyle, in this case? A. Yes, sir, I know him.

Q. How long have you known Mr. Moyle? A. Since he came to Milwaukee in 1939, September.

By the Court:

Q. You mean when he returned from Brooklyn to Milwaukee? A. Yes.

By Mr. Covington:

Q. Do you recall hearing a statement read by Mr. Moyle before the Milwaukee company in the early part of September, 1939? A. Yes, sir.



Q. I refer to Plaintiff's Exhibit 7. Did you hear the charges that Mr. Moyle made before the company in that statement?

Mr. Bruchhausen: I object to the form of the question.

The Court: Yes. Did you hear the statement read, Plaintiff's Exhibit 7?

The Witness: Yes, I did.

Q. Did you hear the charges made by Mr. Moyle before the company concerning the Society? A. Yes, I did.

Q. Do you recall some of the charges made?

Mr. Bruchhausen: Your Honor, I am confused about this. Is he asking the witness about a statement he read or about something that Mr. Moyle said?

The Court: I think you had better clear it up. You heard the statement read?

The Witness: Yes.

Q. When he made the statement, did he have a paper in his hand? A. Yes.

Q. Of course, you did not read the statement? A. No.

Q. But you did hear what he said? A. I heard it, yes.

Q. Tell us some of the things that he said. A. Well, I recall that he said that Brother Rutherford used hard, filthy language on the table, and he is treating the friends there very hard and he is abusing the friends all the time.

Q. What effect did that statement have upon the company, if you know? A. It affects a great



deal. All of us almost were disturbed of the statement. It was new to us, especially myself. I was very much disturbed why Moyle came to Milwaukee twelve hundred miles and attacked Judge Rutherford at his back, just like a poison spread on the people there—

Mr. Bruchhausen: I move to strike it out.

The Court: Strike it all out.

Q. What effect did it have upon you? A. It affected me a great deal, that I wrote to my brother-in-law here in Brooklyn a special letter, I sent it air mail, to ask about the matter and explain it to me.

Q. Before Mr. Moyle read this statement in September, had you heard of a copy of the letter of Mr. O. R. Moyle addressed to Judge Rutherford being circulated in the Milwaukee company? A. Yes, I did.

Mr. Bruchhausen: I object and move to strike it out unless details are given.

The Court: You may ask him the details. I will permit the question.

Q. Tell us the occasion that you learned about Mr. Moyle's letter being circulated in and around Milwaukee. A. I was at the Mother's studying the Bible, and some friends had received the letter there.

By the Court:

Q. How many friends? A. Nine to ten or eleven.

Q. They had all received copies? A. No. Some of them, one of them had received the letter, and

he was talking about it. That time I didn't know Mr. Moyle personally myself.

Q. He did not ask you that. You say one friend had received a copy? A. Yes.

Q. Who was that? A. I don't remember.

By Mr. Covington:

Q. At whose place was that study being conducted? A. At the Schimp home.

Q. At any other occasion did you hear of any such letter? A. I remember I had a store there in Milwaukee, and a sister came along and told me that she had received a letter.

By the Court:

Q. When was this? A. A couple of weeks before Mr. Moyle came to Milwaukee.

By Mr. Covington:

Q. Were there any rumors in the Milwaukee company about Mr. Moyle's letter being circulated in the company during that time? A. I think, yes.

Q. What effect did it have upon the company? A. It has a great effect. Everybody was astonishing what happening in Brooklyn here and why Mr. Moyle left his position in Brooklyn, and some of them had left.

Q. Was there a division in the Milwaukee company resulting from this letter? A. Yes.

Q. Some sided with Mr. Moyle and some with the Society? A. Yes.

Q. After Mr. Moyle's statement was read, do you recall the visit of Mr. Howlett to the Milwaukee company? A. Yes.



Q. Do you recall the talk that he made there before the entire company? A. Yes.

Q. After that talk was made, did it have any effect in settling the brethren concerning this controversy? A. Everything was cleared up since Mr. Howlett came there. We were satisfied, all of us, as far as his talk is concerned. He cleared everything.

By the Court:

Q. That cleared the whole matter? A. That cleared the whole matter.

By Mr. Covington:

Q. What is the name of your brother-in-law to whom you wrote? A. Salih.

Mr. Covington: That is all.

*Cross examination by Mr. Bruchhausen:*

Q. How many members in the Milwaukee company in September, 1939? A. I remember about 175 to 200.

Q. What date do you say—I withdraw that. When did you first hear about Mr. Moyle's letter? A. It was around the middle of August.

Q. And whom did you hear it from? A. I heard at the meeting there. I don't remember.

Q. When did you talk to Mr. Covington about this case? A. I think it was on Friday.

Q. Have you talked to anybody about this case between 1939 and the date you spoke to Mr. Covington the other day? A. Well, I don't remember.

Q. Did you write down anything about what



happened in August and September, 1939, at the time it happened? A. Did I write?

Q. Did you write it down on any paper? A. Yes.

Q. Did you write down? A. I wrote down when Mr. Moyle came to Milwaukee, what had happened, and I remember the letter I sent to my brother-in-law.

Q. What is the date of the letter to your brother-in-law A. September 7, 1939.

Q. So you wrote your brother-in-law as soon as you heard about Mr. Moyle's letter, is that right? A. No, not as soon as I heard about Mr. Moyle's letter. I sent him a letter after Mr. Moyle was in Milwaukee.

Q. You wrote it by air mail? A. Yes.

Q. So was it not very soon after you heard about the letter? A. Sure, a short time.

Q. A day or two after you heard about the letter. A. No, a few days more.

By the Court:

Q. How many days; five or six, seven, eight, nine? A. About two weeks.

By Mr. Bruchhausen:

Q. What makes you say two weeks before? A. Because when I wrote the letter was on September 7th, and I told my brother-in-law that Mr. Moyle came in the meeting yesterday. It was Wednesday we had the service meeting there, and I told him that—Mr. Fink was the zone servant there and—

Q. I am just asking you for a date. Did you tell your brother-in law that you heard about this letter two weeks before?



The Court: He is talking about the letter of Mr. Moyle to Mr. Rutherford.

A. I don't think so, no.

Q. Now, after the lapse of three years or more, you want us to believe that you recall that this was two weeks before you wrote your brother-in-law that you heard about the letter? A. Well, I refreshed my mind. My brother-in-law still have the letter.

Q. You did not mention in the letter that it was two weeks that you saw Mr. Moyle's letter? A. It wasn't essential because I didn't know Mr. Moyle personally, but when Mr. Moyle came to Milwaukee and I saw him attacking Judge Rutherford in his back there, I got excited and was interested to write him a letter and ask him all information—

The Court: Wait a minute. Are you certain it was two weeks before?

The Witness: That is what I remember.

The Court: You are not sure of that?

The Witness: I am not sure exactly.

The Court: You don't know whether it is a week or two weeks?

The Witness: Maybe that much.

Q. You did not become more certain about it after you talked to Mr. Covington the other day, did you? A. Mr. Covington asked me what I knew.

Q. Did that refresh your recollection? A. About what?

Q. About this seeing a letter or hearing of it in August, 1939. A. He did not tell me anything about that. He asked me what I knew.



Q. So at no time since 1939 have you mentioned anything to anybody about seeing this letter in August, 1939? A. The matter was cleared up then and I went to my own business. Maybe I talked to somebody here and there, but I don't remember I paid special attention to it.

Q. It may have been after September 1, 1939, that you heard about the letter? A. I don't think so.

Q. You say that some of the members were disturbed in the Milwaukee meeting after Mr. Moyle read his letter, is that correct? A. Yes, sir.

Q. Did they leave the meeting? A. Sure, after it was over, we leave.

Q. Did they come back again after they left? A. Who, the friends?

Q. Did you lose any of the members out of the Milwaukee company? A. Yes.

Q. How many did you lose? A. The persons I know of, about five or six.

Q. Out of the 175? A. That is those I know.

Q. Did you ever lose any members before that? A. I don't remember.

Q. You mean that always up to September you had 175 members, and they always attended there, and you never lost any, but after September you lost six of them, is that right? A. Yes. We lost the zone servant, too—

The Court: He asked you how many.

The Witness: About five or six.

Q. You read the article on September 1st referred to here about Mr. Moyle being dismissed, did you not? A. Yes.

Q. Was that read to the company, that article? A. I don't remember.

Q. They knew about it? A. They read it in



the "Watch Tower," some of them. I read it myself.

Q. And the members of the company knew about that article before they ever heard from Mr. Moyle, isn't that right? A. I think so.

Q. What effect did that article have on the company? A. They were disturbed, but they did not know all about the matter what happened in Brooklyn.

Q. Has the company ever been disturbed by anything else prior to September, 1939? A. I don't recall anything.

Q. Always been peaceful and never disturbed excepting on this occasion? A. That is what I noticed.

Q. That is the first time they were ever disturbed? A. Yes.

Q. Have you ever been personally disturbed prior to September 1st? A. About what?

Q. By anything in business? A. Sometimes yes. Why not?

Q. You say you read some letters—I withdraw that. When did you hear for the first time—I withdraw that. Did you see Mr. Moyle's letter at any time? A. Yes, I looked at it.

Q. When did you see it? A. About a week or two before September.

Q. You are sure it was before September? A. I think so, yes.

By the Court:

Q. He means before the statement was read, A. Yes.

Q. That is September 6th? A. Yes.

By Mr. Bruchhausen:

Q. Whom did you receive the letter from? A. I didn't receive it from anybody.

Q. Where did you get it? A. They were talking about it and they start to read it and—

By the Court:

Q. Somebody in the company had it? A. Somebody in the company had it, and he start to read it, and I stood with him.

By Mr. Bruchhausen:

Q. You were inquisitive? A. Why should I?

Q. You were? A. Yes, sir.

Q. You always liked to read news? A. Why not?

Q. When did you read it for the second time? A. I never read it the second time. I did not want to bother with it.

Q. Did you ever see it published any place after that? A. I don't recall.

Q. You never saw it in the "Watch Tower"? A. No.

Q. You never heard of the letter after that? A. From friends, they had some letters, but I did not bother much to inquire.

Q. Whom did you hear about it from afterwards? A. I heard some companies outside of Milwaukee received some letters.

By the Court:

Q. Was this all about the same time? A. About the same time.

By Mr. Bruchhausen:

Q. You did not hear any more about it after Mr. Howlett got there? A. I didn't bother.

By the Court:

Q. Did you hear? A. No.



By Mr. Bruchhausen:

Q. It all quieted down, didn't it? A. Yes, sir.

Q. You did not hear anything more about the circulation of Moyle's letter— A. I did not bother to ask.

Q. You did not hear about it? A. I don't remember.

Q. No discussion at the meeting in Milwaukee about it? A. After Mr. Howlett, I don't remember I heard it.

Q. As far as you can say now, to the best of your knowledge, nothing was said after Mr. Howlett got there? A. I don't think so. I don't remember.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

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JOHN G. MILLER, 10 Conway Road, Shelburn Falls, Massachusetts, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation, please, Mr. Miller? A. I am a minister.

Q. How long have you been connected with the Watch Tower Bible & Tract Society and one of Jehovah's Witnesses? A. For the last twenty years.

Q. Have you ever been a member of the Bethel Family? A. I have.

Q. When were you a member of the Bethel Family? A. In the latter part of 1924, all of 1925, and part of 1926.



Q. Did you know Joseph F. Rutherford? A. Yes, sir.

Q. When did you first become acquainted with Joseph F. Rutherford? A. In 1923.

Q. After that, did you become well acquainted with him? A. I did.

Q. And were you well acquainted with Judge Rutherford during August of 1939? A. I was.

Q. After you left the Bethel Family, did you ever have occasion to visit in the Bethel Home? A. I did, yes, sir.

Q. About how frequently did you visit in the Bethel Home? A. Not very frequently. I believe I visited it in that period about two times.

Q. About two times? A. Yes, sir.

Q. During the time that you were associated with the Bethel Family, did you have occasion to notice the conduct of Judge Rutherford towards his brethren in the Bethel Family? A. I did.

Mr. Bruchhausen: What period is this? The entire period you are speaking of?

Mr. Covington: Yes.

By the Court:

Q. This is when you resided at Bethel? A. Yes, sir.

Q. When did you leave Bethel? A. In the latter part of September, 1926.

By Mr. Covington:

Q. On the occasions that you visited in the Bethel Home, have you seen Judge Rutherford at the table? A. Yes, sir.

Q. Don't you think you had better fix the dates?



Mr. Covington: Yes, sir.

Q. When were these occasions that you visited it? A. It would be pretty hard for me to recall just what time it was. I really don't remember. But I know I have been during that time.

By the Court:

Q. Can't you fix the year? When was the last time you were at Bethel? A. 1938 at one time. That was during the convention. And then previously to that, I couldn't say just when.

By Mr. Covington:

Q. Do you know the plaintiff, O. R. Moyle? A. I do.

Q. How long have you known Mr. Moyle? A. Since 1935.

Q. How did you become acquainted with Mr. Moyle? A. I met him at a campaign up in Connecticut in the summer of 1935, and then I became more acquainted with him when my son was expelled from school.

Q. What do you mean by "campaign" that you used in your testimony? A. That was at a divisional campaign which we had at that time where various companies assembled together in order to carry out the work that was assigned to us in the furtherance of the preaching of the Gospel in an organized manner.

Q. What company or congregation are you associated with? A. The Greenfield company, Massachusetts.

Q. What area does that include? A. That in-



cludes all of Franklin County, Hampden County, and part of Windham County, Vermont.

Q. Did Mr. Moyle ever have occasion to handle any litigation in that area in behalf of Jehovah's Witnesses? A. He did.

Q. What cases, if you know? A. He handled what is commonly known as the Johnson case.

Q. During that time did you become better acquainted with Mr. Moyle? A. Yes, sir.

Q. Do you recall a visit that Mr. Moyle paid in the early part of July, 1939, to your community to attend to the Johnson case? A. I do.

Q. What was that occasion, if you remember? A. That was the occasion where the Johnson case was appealed to the Superior Court, and there was to be a hearing before the Superior Court, and I received a letter from Mr. Moyle stating that the case would come up on Tuesday and Wednesday.

Q. What local counsel was handling the matter with Mr. Moyle? A. There was a Professor Gardner from Harvard and also a Mr. Post from Boston.

Q. How many days was it that Mr. Moyle was there in connection with that case? A. He was there Tuesday, Wednesday, and part of Thursday.

Q. On that occasion did you have a conversation with Mr. Moyle with reference to his dissatisfaction at Bethel? A. I did.

Q. What was the conversation? A. Well, I asked how things were going at Bethel, and he said "Well, they are very unsatisfactory at the present time." He says that the Judge had been giving the family plenty of table trimmings,



referring to the fact that he was reprimanding the family quite a lot. He also stated that the Judge was dissatisfied with the handling of the Madison Square Garden case.

Q. By him? A. By him.

Mr. Bruchhausen: I object to the question and move to strike it out.

The Court: You object not to the question but to the interpolation by counsel?

Mr. Bruchhausen: Yes.

The Court: The objection is sustained.

Mr. Bruchhausen: And I move to strike out the testimony.

The Court: I will strike it out if you want, but aren't you going to have the same thing later?

Mr. Bruchhausen: All right, if we get it in. I would like to get the witness's testimony.

The Court: All right, strike it out. "By him" is stricken out.

Q. Did Mr. Moyle state his connection with the Madison Square Garden case? A. He did.

Q. Did he refer to the Judge's dissatisfaction with his handling of the case, his connection with the case? A. He did, very much so.

Q. And did you have a conversation with him and advise him as to what course he should take in reference to—

The Court: I suggest it would be well to tell the conversation without having any counsel leading him. Tell us both sides of the conversation, what you said to him and what he said to you.

A. At the time the conversation went on, he told me the Judge was very peeved particularly due to the fact that, as he put it, Heath was arrested and was one that had been sentenced, fined, and that he seemed to be very peeved over that matter. He says "Anything that happens to Heath, why it is as if it happened to the apple of the Judge's eye."

Q. During the summer of 1939, after that conversation, did you receive a letter from Mr. Moyle which is Defendants' Exhibit Y (handing to witness)? A. Yes, sir.

Q. Was that the first that you heard of Mr. Moyle before he came to your home—did he come to your home after this? A. Yes, he did.

Q. Is this the first you learned that Mr. Moyle was resigning from the Society as counsel? A. It was.

Q. He made certain charges in here against the Society and the Judge. Did you believe those charges to be true? A. No, I did not.

Q. Later on when Mr. Moyle came to your home—when was that? A. The first Friday in August.

By the Court:

Q. 1939? A. 1939.

By Mr. Covington:

Q. When Mr. Moyle came there, how long did he stay? A. He stayed until—he came late Friday afternoon and left early Saturday morning.

Q. During that time, did you have a conversation with him in regard to this matter of his leaving Bethel? A. I did.



Q. Just state the conversation, please. A. I spoke personally with Mr. Moyle just before leaving. I was opening the garage doors for him—

The Court: Just tell us the conversation.

A. (Continued) He stated "Well, John, I suppose you want to know what it is all about. I will tell you briefly. You have been at Bethel. You know conditions." He says "The Judge has been giving plenty of table trimmings, and there is a lot of injustice practiced, and those upon whom injustice is practiced, why they are afraid to speak up. There is a bunch of 'yes-men' down there. They are afraid to speak. And something drastic must take place, and I believe I am the one that can do it."

I asked Mr. Moyle whether he ever had taken the matter up with the Judge before. He says no. I asked him if he had any grievance personally against the Judge, whether the Judge mistreated him. He says "No, he treats me fine, okay. As far as I am personally concerned, the Judge has been very good to me."

I said "Wouldn't it be advisable for you to speak—wouldn't it have been better for you to speak to the Judge relative to this thing before taking such a drastic action?"

He says "No. He needs something to jar him, to make him snap out of it."

I advised him, I said "Well, I think you are making a grievous mistake; that the important work for us to do is to continue in the place



that the Lord has placed us and not voluntarily leave it. Don't you realize the position you hold at the present time, that you do hold a position of grave responsibility, and who is going to take up the legal matters after you leave?"

He said, "Well, I arranged that. I have given the Judge a list of ten cases."

"But," I said, "take, for instance, the Johnson case. It is to come up very soon before the Supreme Court. Will they have ample time to do it?"

He said, "Oh, well, that will be taken care of in due time."

So before leaving, I couldn't make any impression on him. He says, "Well, everything will turn out all right, but I guess the Judge will be raving mad. I guess before I go back into Bethel, I had better throw in my cap, and if that stays in, I don't know but what I had better throw in my suitcase, too, and if that stays in, I can walk in." And they departed on that tone.

By the Court:

Q. That is substantially the conversation? A. That is substantially the conversation.

By Mr. Covington:

Q. That is what he said. Did you tell him anything in regard to your experience with the Judge in dealing with him concerning controversial matters? A. I have never had any experience—

By the Court:

Q. You did not say anything on that score? A. No.



Q. You have told us the whole conversation substantially? A. As far as I recall.

By Mr. Covington:

Q. Based on your experience with Judge Rutherford, have you found him to be a man who is intolerant and not willing to give an audience to one who comes to him to talk about such matters? A. I have found the Judge to be a very tolerant man. In fact, he has always treated me well and has granted me every request I ever made to him.

Q. During the occasion that you visited in the Bethel Home, have you had an opportunity to observe his conduct towards his brethren? A. Yes, I did.

Q. During the time that you lived there as a member of the Bethel Family, did you have occasion to observe the Judge's conduct toward his brethren? A. I did.

Q. Have you ever observed the Judge giving a table trimming to his brethren unjustifiably or in any manner? A. I wouldn't call them table trimmings. He has reprimanded the family some time when he was justified. Of course, he had to speak in a loud voice because it is a large hall.

Q. How large is the hall there where the dining tables are? A. The dining room accommodates more than 250 to my knowledge.

Q. Did you ever notice the condition of glorification of alcohol in the Bethel Family or Home? A. I did not.

Q. Have you ever noticed that the Judge discriminated against his brethren? A. No.



Q. Did the Judge have a kindly and friendly attitude towards his brethren at Bethel? A. He always has had while I was there and on the visits, too.

Q. What effect, if any, did this statement that Mr. Moyle was resigning have upon your mind with reference to the difficulties that you were in there during the Johnson case? A. I was very much disturbed over it.

Q. Did you tell Mr. Moyle that he did not appreciate the action he was taking? A. I did.

Q. I show you a letter dated August 10, 1939 (handing to witness).

Mr. Covington: I would like to offer that in evidence.

By the Court:

Q. What is that letter? A. That is a letter I received from Mr. Moyle at the time he was en route to Wisconsin.

Mr. Bruchhausen: No objection.

(The paper referred to was received in evidence and marked Defendants' Exhibit D-27.)

By Mr. Covington:

Q. Did Mr. Moyle at any time furnish to you any evidence or proof of the charges that he had made against the Judge in your conversation with him and in the letter received on July 29th? A. No, he didn't.

Q. Did you believe the charges he made were true? A. I did not.

Q. And did you read the article entitled "In-



formation" in the "Watch Tower" of October 15, 1939? A. I did.

Q. Did you notice the contents of it and the signatures of the Board of Directors? A. I did.

Q. Did you believe that to be true? A. I did.

Mr. Covington: I will now read the letter.

(Mr. Covington read Defendants' Exhibit D-27 to the jury.)

Mr. Covington: That is all.

The Court: Mr. Bruchhausen, will your cross-examination be lengthy of this witness?

Mr. Bruchhausen: It may be, Judge.

The Court: Then we had better take our morning recess now. We will take a five-minute recess.

(Short recess.)

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*Cross-examination by Mr. Bruchhausen:*

Q. You were deeply interested in the Johnson case, weren't you? A. I was.

Q. And the purpose of Mr. Moyle's visit was to help you there, wasn't it? A. Yes, sir.

Q. In the case? A. Yes, sir.

Q. He had no other reason for coming up to Massachusetts? A. Not at that time, as I recall.

Q. You have heard this letter read from him to you giving you the details as to how you could be helped in the case, isn't that so? A. I heard it, yes, sir.

Q. There is no indication in that letter of his

trying to throw the burden on anybody else, is there? A. Not in that letter.

Q. As a matter of fact, wasn't he instrumental in getting Professor Gardner in the case? A. I don't know how Professor Gardner came to be connected with the case.

Q. At least Professor Gardner was brought into the case? A. He was brought in, but how I don't know.

Q. And he did it without compensation, did he not? A. Professor Gardner did it without compensation?

Q. Yes. A. No.

Q. Don't you know that? A. He didn't do it without compensation because I paid his bill that was rendered to me.

Q. Did you hear the letter read here which was written by Mr. Moyle to Mr. Philbrick, dated August 28, 1939, which is part of Exhibit V? A. I not only read it but I received a copy of it.

Q. In that letter you recall this statement by Mr. Moyle—

The Court: You have the wrong exhibit, haven't you?

Mr. Bruchhausen: I have it marked as part of Exhibit V.

The Court: V is the questionnaire signed by the plaintiff.

Q. Do you recall this statement in that letter by Mr. Moyle, to Mr. Philbrick: "It would be a calamity for that case to be left hanging in mid air. Gardner has been a prince in his actions in the case. He has done much office work, paid his way out to Greenfield, Massachusetts several times and assisted in arguing the cases. I don't



think the local company can finance the matter, so I am putting it up to you." A. I recall that statement, yes, sir.

Q. And that is correct, isn't it? A. Not entirely correct, no.

Q. What do you find wrong with that statement? A. Owing to the fact that we had to pay Professor Gardner later on. There was a bill rendered and I was instrumental in collecting the funds for the payment of the bill as rendered by Professor Gardner.

Q. Up to this time, August 1939, Professor Gardner had paid his expenses, is that correct? A. Yes, up to that time.

Q. This is written August 28, 1939? A. That is true.

Q. Wasn't it a fact that the Society down in Brooklyn was reluctant to advance any moneys for that case? A. Was it a fact? — Repeat the question, please.

Q. Yes.

The Court: Was the Society reluctant to advance any money in that particular case?

The Witness: Yes, they had a reason for it.

Mr. Bruchhausen: I move to strike out the answer.

The Court: Yes, the answer is yes or no.

Q. That is a fact, that they were reluctant to advance any moneys? A. Yes, sir.

Q. And you people up there gathered together some moneys for it, did you not? A. Not only



us, but also Mr. Rutherford contributed towards the expenses.

The Court: Later on or at this time?

The Witness: At this time.

The Court: That he is talking about?

The Witness: Yes, sir.

The Court: Before August 29, 1939, had Mr. Rutherford contributed something to the defense of that case?

The Witness: Yes, and the Society did, too.

Q. What money had the Society contributed prior to August, 1939? A. That I don't know.

Mr. Covington: May it please your Honor, this is immaterial, getting into a collateral matter.

The Court: I think it is immaterial and I would like to correct one thing. This is part of Defendants' Exhibit U.

Mr. Bruchhausen: I beg your pardon.

Mr. Covington: We would object to this line of interrogation.

The Court: I have already said it is immaterial.

Q. Did you leave Bethel of your own accord? A. Yes, I did.

Q. What year? A. In 1926.

Q. How long had you been there? A. Almost two years.

Q. Had you when you entered signed one of the questionnaires which provided that you were to subscribe to what they did and stay there for your life? A. No, I did not.



Q. Were you asked to sign one? A. Not that form, no, sir.

The Court: Did you sign a questionnaire?

The Witness: I signed a questionnaire, but that statement was not on the questionnaire that I signed.

Q. So that there were members of Bethel who were in there at the time you got there and prior thereto who didn't sign a paper that they had to stay in there for life, isn't that right? A. That regulation did not come into effect until after I had resigned.

Q. Is it not a fact that you told Mr. Moyle that you had received some unfair treatment from the Judge while you were there? A. That is not a fact.

Q. What? A. That is not a fact.

Q. You deny that is so? A. I deny it very emphatically, yes.

Q. Is it not a fact that when Mr. Moyle came to see you in connection with this Johnson lawsuit that you asked him for the details of his intentions to withdraw from the organization? A. I didn't have to ask him. He volunteered that information.

The Court: Please, if you will, just answer questions.

Q. You deny that you asked for the details of it? A. Yes.

Q. You didn't say, "I don't want to hear anything about it," did you? A. I didn't make that statement.



Q. So you want us to believe that he came up there on the Johnson case and just voluntarily went into all the details about this other situation? A. I just asked him, recalling the conversation I recited to begin with, I asked him how things were at Bethel.

The Court: You asked him how things were going and then he told you the full story?

The Witness: Yes, sir.

The Court: You didn't ask anything about it?

The Witness: No.

Q. During the course of the conversation didn't you make comment and ask questions yourself? A. During the course of which conversation?

Q. The conversation with Mr. Moyle about conditions at Bethel. A. The first conversation?

The Court: The first conversation when he was there on the Johnson case.

The Witness: Well, I asked him—the only thing I asked him was this, "How are things going at Bethel"—

The Court: That is all you asked him?

The Witness: Yes, sir.

Q. How long did the conversation take? A. I should judge about 15 minutes or so.

Q. And where was this conversation held? A. That was held in the library of the court.

Q. On what date? A. Well, if my calculations are right, that would be on the Tuesday, or July 16th.



Q. Are you sure it was the 16th? A. I wouldn't say positively.

The Court: That is your best recollection? Is that what you want to tell us?

The Witness: Yes, sir.

Q. He didn't show you a copy of any letter to Mr. Rutherford, did he? A. No, he didn't.

Q. You have never seen a copy of the letter, have you? A. No, I personally never have seen a copy.

Q. Never been delivered or circulated around your neighborhood? A. In the immediate vicinity, yes.

Q. When? A. It was mailed to Mr. Philbrick, I believe.

Q. Wasn't that along in 1940 that that happened? A. I couldn't say when Mr. Philbrick got the letter.

Q. You don't know the date? A. No, I don't.

Q. You read this article in the—these various articles in the "Watch Tower," did you not? A. I did.

Q. And you took the statements as they were made in the "Watch Tower," isn't that correct? A. Took what statements?

Q. Accepted what the "Watch Tower" said about this thing? A. Yes, I did.

Q. You never made any inquiries yourself about it? A. Oh, yes, I have, because I came in contact with the Bethel Family a lot, that is, the boys came up to my farm.

Q. But you accepted it anyway? A. Yes, I accepted the statements.

Q. Now, you said something about arranging

a group of companies there for better organization, is that correct? A. That is correct.

Q. Was that grouping them under one head? A. No, I think you misunderstood that part of the work. In that part of the work various companies would assemble and cover a definite city thoroughly; in that manner, it was certain that the entire district would be reached with the Gospel message.

Q. Were they to all gather together at one time? A. Yes, sir, at one time.

Q. How many companies was that? A. If I recall correctly, it would be around 12 or 15 companies that assembled at that time.

Q. And that was organized for religious instruction, wasn't it? A. That is correct.

Q. You call your doctrines religion, don't you? A. No, we don't call it religion; we call it the true worship of Almighty God. There is a vast difference between religion—

The Court: He didn't ask you that. You say you don't call it religion?

The Witness: No.

The Court: You call it the true worship of Almighty God?

The Witness: Yes, sir.

Q. Then you say they weren't organized for religious purposes? A. Not according to the Scriptural standpoint.

Q. You said that Mr. Moyle referred to the Madison Square Garden case? A. Yes, he did.

Q. And did you hear the name of Mr. Wheeless mentioned? A. He mentioned that Mr. Wheeless was on the case.



Q. Don't you know that Mr. Wheeless handled the case? A. I didn't go into detail as to who handled the case or not.

Q. Just what detail did he give you about that Madison Square Garden case? Will you state that again. A. He just told [illegible] the Judge was mad over the case and particularly the fact that Heath was involved in it and the outcome wasn't satisfactory, as he put it, to the Judge.

Q. And did he say that he was friendly to Heath? A. That who was friendly?

Q. Was anything said in this conversation about Mr. Rutherford being particularly friendly to Heath? A. As he expressed it, anything that happened to Heath would happen to the apple of his eye.

The Court: That is what Moyle said?

The Witness: That is what Moyle said.

Q. And Heath was the husband of Bonnie Boyd, wasn't he? A. I believe at that time he was.

Q. And you know, don't you, that Bonnie Boyd had been the private secretary of Heath for a good many years? A. Yes, I knew that.

Q. Of Rutherford? A. Yes, sir.

Q. Even prior to her marriage? A. Yes, sir.

Q. And she continued to be his private secretary after the marriage? A. That I wouldn't say for certain because I don't know.

Q. Do you know that even after the marriage the Judge traveled around and that Mr. and Mrs. Heath always went with him? A. No, that I don't know.

Q. Do you know that they even went to California and stayed with him there? A. I don't know that.



Q. Do you know that afterwards Mr. and Mrs. Heath had a home in California opposite to or near Mr. Rutherford's home? A. That is the first time I heard of it, your statement now.

Q. Have you seen Bonnie Boyd here in court? A. Yes, I have.

Q. She has been here all the time, hasn't she? A. Yes.

Q. You have been friendly with Mr. Moyle, haven't you? A. Yes, I have.

Q. And as far as anything in your experience was concerned, he had carried on and done everything very well, hadn't he? A. No, he hadn't.

Q. What hadn't he done? A. The very fact that he was willing to resign from the Bethel.

The Court: Up until that time had he done everything all right?

A. Up until he told us of his prospective resignation from Bethel? No, he didn't do everything well.

Q. Well, your attitude changed towards him as soon as he resigned from Bethel, is that right? A. Not altogether, no.

Q. Were you friendly with him up to that time? A. I was friendly with him up to that time, but there were some things he had done that I didn't very well agree with.

Q. You mean in connection with his resignation from Bethel, is that correct? A. In connection with the case.

The Court: With the lawsuit.



Q. With the Johnson case you mean? A. Yes, sir.

Q. He wasn't admitted to the Bar in the State of Massachusetts, was he? A. He wasn't.

Q. And you had to get local counsel in Massachusetts, didn't you? A. No, we didn't, because they permitted him to argue before the court there.

Q. Did he argue the case before the court there? A. Yes, he did, in the lower court.

Q. When did he argue the case there? A. He argued two cases before the lower court, one case in connection with the father and the other case in connection with the children.

The Court: Both of them Johnson cases?

The Witness: Yes, sir.

Q. Well, eventually the cases were won, weren't they? A. Yes, eventually they were won.

Q. On what date did you find some reason to disagree with him on any one of these cases? A. The very fact that when he sent me—

The Court: He said on what date.

The Witness: That would be rather difficult. I don't recall.

The Court: Say you don't recall.

The Witness: I don't recall.

Q. Was it prior to the date of your conversation with him in July that you found fault with him? A. Yes.

Q. About how long prior to it? A. Well, it was between the time when the case appeared in the lower court and went up to the Superior Court, and I received the transcribed trial.



The Court: The minutes.

Q. Was it prior to the date of your conversation with him? A. Yes, it was prior.

Q. How long prior? A. I told you, between the time—

The Court: About a month or two months or three months?

The Witness: It would be about a month.

Q. Did you tell him that you were not in accord with something that happened? A. No, I didn't, because he was the counsel of the Society and I thought he knew what he was doing.

Q. You never made any statement about it to him? A. No.

Q. Have you ever told him about it? A. No.

Q. So this is the first time that he hears about it in court today? A. To my recollection, I don't think I have ever mentioned it.

Q. So that you had a very friendly conversation in July with him, July, 1939, and you never said a word to him about your feelings on the case, is that correct? A. Yes, I did say my feelings on the case, yes.

Q. When? A. That very same day when he handed me—what do they call it now—both counsel agree, a statement of fact on the case, an agreed statement of facts on the case that appeared before the Superior Court.

Q. What was the matter with the agreed statement of facts? A. The very fact that he failed to mention about the witness Work and why it was that the children could not salute the flag. There was only one statement relative to that and I asked him the question, why isn't the definition of worship incorporated in the argument?



And Mr. Moyle answered. He said they wouldn't listen to that stuff. I wouldn't get anywhere with it. I said, "What is the use of arguing on technicalities of the case? Why not make our stand very definite on the matter and give a definition of really what worship is," and I quoted him what worship is, that worship is not the mere fact of going into some building to worship, but rather it is an unselfish feeling to Almighty God which means that one must be obedient to God's law irrespective of the consequences.

Q. Were you a lawyer? A. No, I am not a lawyer.

Q. You are a farmer, aren't you? A. Well, not exactly a farmer. I have a place, but I do not do farming.

Q. What do you do for an occupation? A. I take odd jobs.

Q. At what? A. At the present time I am cutting lumber.

Q. This agreed statement of facts had to be submitted to a court, didn't it? A. Exactly.

Q. And that was something for a lawyer to pass on, wasn't it? A. I will agree with that.

Q. Don't you know that sometimes even lawyers disagree as to what arguments or statements should be submitted to a court? A. I am well aware of that.

Q. Did you ever hear the judges of the United States Supreme Court disagree on the law sometimes? A. I have not only heard it but I have seen it.

Q. Don't you know that this statement of facts was sent in to Mr. Rutherford and he approved of it? A. I don't know whether that is so or not.

Q. You deny that that is so? A. I don't know.

The Court: He said he doesn't know whether it is so or not.

Q. You were more disturbed about the effect of this letter on the Watch Tower than you were about Mr. Moyle, weren't you? A. Yes, I was.

Q. That is, you are also a subscriber to the doctrine that this is God's organization on earth, aren't you? A. I am.

Q. And that Mr. Rutherford is the representative of God?

The Court: Was.

A. He was the representative of God's organization.

Q. You have a new representative now? A. Yes, we have.

Q. Who is the representative now? A. Well, the one who serves in the same capacity.

The Court: What is his name?

The Witness: Nathan H. Knorr.

Q. So whoever happens to be elected president of the corporation is at that moment the representative of God on earth, is that it? A. Not he himself but the entire body is the representative. We are all Jehovah's Witnesses.

Q. Are you one of the representatives? A. Yes, I am.

Q. Is there any other organization that has any representatives in an organization of God on earth excepting Jehovah's Witnesses? A. No, only Jehovah's Witnesses.

Q. Is that when you read these articles—Withdrawn. You read this statement on September 1, 1939, that Mr. Moyle was discharged for unfaithfulness, didn't you? A. Yes, I did.



Q. And you took that as a statement coming from the representative of God on earth? A. Exactly.

Q. You accepted that without any further inquiry? A. I did not accept it without further inquiry. As I told you before, I did investigate.

Q. Did you write in to Mr. Rutherford? A. No, I didn't write to him.

Q. Did you write to Mr. Howlett? A. No.

Q. Did you write to any members of the Board of Directors? A. I spoke with members of the Board of Directors.

Q. Did you read the article of October 15, 1939? A. I did.

Q. And you believed that because it came from God's organization on earth? A. I believed it, yes.

Q. And you also read the article on October 15th because it came from God's organization?

The Court: Make it November 15th.

Mr. Bruchhausen: November 15th.

Q. Is that correct? A. That is correct.

Q. And did you speak to any members of the board of directors about the part which calls Mr. Moyle a Judas? A. I didn't speak to any members on that. I came to my own conclusions on that.

Q. Did you get any evidence of his being a Judas? A. Yes, sir, I did.

Q. Where is the evidence of being a Judas? A. The very fact that he was willing to leave a responsible position and jeopardize the entire organization by his move, knowing that it would



cause dissension and division in the organization is proof conclusive that he was a Judas.

Q. Just because he left the organization he is a Judas? A. Not because he has left the organization but under the circumstances which he left.

Q. Is he a Judas because he writes a letter to Mr. Rutherford? A. I didn't get that.

Q. Is he a Judas, in your opinion, because he writes a letter to Mr. Rutherford? A. No; anyone who writes a letter to Mr. Rutherford or anyone else in the organization is not a Judas.

Q. That does not make him a Judas? A. No, it does not.

Q. Was he a Judas because he resigned as a lawyer and somebody else would have to take care of the lawsuits? A. The very fact that he knew that his going would cause a lot of disturbance in the organization, and disrupt it.

Q. Were you worried about the lawsuits? A. Which lawsuits?

Q. The pending lawsuits? Didn't you mention that you were disturbed because somebody would not be there to take care of the lawsuits? A. Yes, I was very much disturbed.

Q. Was that one of the features which made you feel that he was a Judas? A. Yes, the very fact that he left—

The Court: You have answered.

Q. Did you ever read the letter that Mr. Moyle wrote to the Judge? A. No, I never did.

Q. Suppose I call your attention to this: "With this letter I am enclosing a statement of the major cases now pending in which I am actively



participating. It would be unreasonable and unfair to drop these matters into your lap without further assistance or consideration. I am ready and willing to press these issues in the courts just as vigorously and carefully as though I remained at Bethel and will do so if that is your desire." Did you hear that statement? A. Yes, I heard that.

Q. With that being read to you and the attitude of Mr. Moyle expressed to Rutherford that he was ready and willing to take care of the lawsuits whether he is in or out of Bethel, would that feature bring to your mind that he is a Judas? A. It would because—

The Court: That is an answer.

Q. It would? A. Yes, sir.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Was the Johnson case won before or after Mr. Moyle left? A. It was won after Mr. Moyle left.

Mr. Covington: That is all.

(Witness excused.)

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HARRY L. PARKHURST, residing at 799 Bloomfield Avenue, Verona, New Jersey, a witness called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are one of Jehovah's Witnesses, are you not? A. I am.



Q. And what secular occupation have you followed in times past? A. Artesian wells, installing turbine pumping equipment for irrigation.

Q. Have you been engaged in that business in New Jersey? A. Yes, sir.

The Court: Are you still engaged in it?

The Witness: Correct.

Q. Have you ever visited in the Bethel Home? A. Yes, on many occasions.

Q. How many years, please? A. Since 1914 until the present time, about 29 years, if my figures are right.

Q. Have you ever eaten at the Bethel table? A. I have, many times.

Q. Have you ever spent evenings in the Bethel Home? A. I have slept there and eaten there.

Q. Have you ever been at the Staten Island Bethel? A. I was there for nearly a year occupying a room adjacent to Judge Rutherford's while I put in the irrigation system.

Q. And have you ever been to the Kingdom farm? A. I have.

Q. And have you been to California? A. I have.

Q. How long was it you knew Judge Rutherford at the time he died? A. Just before he died I was in conference with him at the St. Louis Convention.

The Court: He wants to know how well you knew him.

The Witness: I knew him very well.

Q. And did you ever have occasion to converse



with him regarding matters of business? A. I did.

Q. Also matters of policy pertaining to the organization? A. I did.

Q. And have you seen Judge Rutherford preside at the head of the Bethel table? A. I have.

Q. And based upon your observation and experience with Judge Rutherford could you tell the jury as to whether he was a kindly disposed man? A. I can.

Q. Was he or not? A. Yes.

Q. And did he treat his brethren with proper Christian regard? A. Absolutely.

Q. Have you ever had an opportunity to observe the conditions at the Bethel table with reference to expression on the part of the various brethren at the tables? A. Will you kindly repeat that.

Q. Have you ever had an opportunity to see the attitude of the brethren at the Bethel table during meals in reference to speech and talk? A. I have.

Q. Do they or have you ever heard the brethren make comments, observe whether or not they have freedom of speech there? A. Yes, sir.

Q. They do? A. Bible questions.

Q. And what other subjects are usually discussed at the table? A. Relative to the Scriptures concerning the new world, the righteous new world and the Theocracy.

Q. Do they discuss the matter of service from house to house? A. Not while I have been there.

Q. Just while you have been there is all I am asking. At any time have you ever seen Judge

Rutherford mistreat his brethren at the table? A. Never.

Q. Have you ever seen Judge Rutherford deny any of his brethren freedom of speech? A. Never.

Q. Have you ever seen Judge Rutherford or heard Judge Rutherford use or permit to be used profane and vulgar language at the dinner table? At Bethel? A. No, sir.

Q. Have you ever at any time that you visited there heard filthy, smutty and dirty jokes passed around the table? A. I never have.

Q. Have you ever seen or heard of alcohol glorified at the table? A. Never.

Q. Do you know Mr. O. R. Moyle? A. Yes, sir.

Q. How long have you know Mr. Moyle? A. Since 1935.

Q. And how did you become acquainted with him? A. Through the activities of the Society.

Q. Did he act as counsel or ever act as counsel in any matters that you were interested in? A. He did.

Q. Did you ever have occasion to engage with Mr. Moyle in preaching of the Gospel from house to house? A. I did.

Q. Did he ever visit your neighborhood frequently for that purpose during the times that he was at Bethel? A. Yes, sir.

Q. Did you regard him as one that was 100% for the Society and its doctrines and practices? A. I did.

Q. Did you accept him on the basis of the recommendation of the Society? A. Yes, sir.

Q. When did you first learn that Mr. Moyle



was no longer associated with the Society? A. In August, 1939.

Q. Do you recall having a conversation with Mrs. Van Ness? Do you know her? A. I do.

Q. And where does she live? A. Towaco, New Jersey.

Q. And did you visit there in her home after Mr. Moyle had passed through there on his way to Wisconsin? A. I did.

Q. On the occasion of your visit state whether or not you saw a copy of a letter dated July 21, 1939, addressed to J. F. Rutherford. A. I did.

Q. And what was the occasion of your seeing that letter? A. I visited the farm and upon arriving at the farm the letter was handed to me by Mrs. Van Ness and she said that Mr. Moyle asked her to give the letter to Mr. Parkhurst to read.

Q. Did you read the letter? A. I did.

Q. And what was your reaction when you read the letter, please? A. I became bewildered and confused, to say the least.

The Court: He didn't ask you to say the least. He asked you to say what it was.

Q. Were you surprised at the action of Mr. Moyle? A. I was.

Q. Did you believe the charges that he made in the letter to be true when you read it? A. I did not.

Q. Based on your knowledge of Bethel and the conditions there did you believe them to be false? A. I did believe them to be false.

Q. After having been to Mrs. Van Ness' home



did you thereafter receive a communication from Mr. Moyle dated August 17, 1939? A. I did.

Q. I show you a part of Defendants' Exhibit U, being the last letter, and ask you to take a look at it.

The Court: That is the original of the letter you received from Mr. Moyle?

The Witness: Yes, sir.

Q. When you had noticed the course of the action that Mr. Moyle had taken against the Society, did you have a kindly attitude towards him and want to help him? A. I did.

Q. Why did you have that attitude? A. Well, I immediately reverted back to the Scriptural course which other men had taken and they made a mistake. For instance, in the case of Peter, the Master was denied, and with loud cursings he denied the Lord, with loud cursings, and the Apostle Paul, the same way. He was struck down blind when he made a mistake, but each one of those men immediately retraced their steps and made apologies and took the right course, and so I felt very sad that he had taken this course and I hoped that very suddenly he would do the same as these Holy men of old did.

Q. Did you thereafter write him a letter dated August 31, 1939, of which I show you a copy, being part of Defendants' Exhibit U? A. I did.

Q. Did you hope that he would follow the advice that you gave him in that letter?

Mr. Bruchhausen: I object to what he hoped.

The Court: Sustained.

Mr. Covington: I withdraw it.



Q. Subsequently to that, I show you a letter. Is that a true copy of a letter that you received from O. R. Moyle bearing that date? A. Yes, sir.

Q. And did you see the letter attached to it? A. Yes, sir.

Mr. Covington: We offer the letter in evidence, dated December 1st, and the attached letter.

Mr. Bruchhausen: I object to it. It is incompetent and has nothing to do with this particular case.

The Court: The objection is sustained. You may mark it for identification.

Mr. Covington: We offer the attached letter.

The Court: It is all marked for identification as one exhibit.

Mr. Covington: We except.

(Marked Defendants' Exhibit D-28 for Identification.)

Q. You read the article entitled "Information," did you not? A. Yes, sir.

Q. Which appears in the October 15, 1939, "Watch Tower"? A. Yes, sir.

Q. Did you believe that statement to be true and correct? A. Yes, sir.

Q. Concerning the conditions at Bethel and the answer to the charges Mr. Moyle made against the Society? A. No.

Q. You had seen a copy of the letter, had you not? A. I had.

Q. And you knew that article "Information"



referred to the activity of Mr. Moyle in connection with this letter, did you not? A. I did.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You visited there since 1914? A. Pardon?

Q. You visited Bethel since 1914? A. Yes, sir.

Q. And always found everything peaceful and serene there? A. I never saw anything occur there in the charges.

The Court: He didn't ask you that. Read the question.

(The pending question was thereupon repeated by the Court Reporter.)

A. Yes, sir.

Q. Did you ever hear of directors by the name of Pearson, Hoskin, Hirsh, Wright and Ritchie? A. I have.

Q. Are they still directors? A. No, sir.

Q. Did they all make their exit at one time?

The Court: Did they all leave at one time?

A. I don't recall.

Q. Did you attend the Pittsburgh convention in 1917? A. I did not.

Q. Did you attend the Pittsburgh convention in 1918? A. I did not.

Q. Were you a director at that time? A. I was one of Jehovah's Witnesses.

The Court: Were you a director?

The Witness: No.

Q. You were a member or shareholder at that time, weren't you? A. I was—



Q. In 1914? A. I don't know just exactly. If you mean— Explain what that means, to be a shareholder. I was one of Jehovah's Witnesses.

Mr. Covington: There is no evidence about being a shareholder.

The Court: I don't know, but he said he was one of Jehovah's Witnesses.

Q. Did you get notices of the annual meetings? A. That is right.

Q. Did you ever see this booklet, "Facts for Shareholders" with a copy of a petition to Rutherford of the four deposed directors of the Watch Tower Bible & Tract Society? A. I may have.

The Court: You don't know whether you have or not?

The Witness: That is right.

Q. Did you ever see this booklet, "Light After Dark" with a copy of a letter from the auditor of the Society, F. G. Mason, dated April 20, 1917? A. No, I did not.

Q. Did you ever hear that four directors were deposed after Pastor Russell's death?

Mr. Covington: This is a matter that is entirely immaterial.

The Court: I think it is immaterial.

Mr. Bruchhausen: I except.

Q. You say you did business for the Watch Tower in connection with wells, is it? A. Irrigation, including drilling wells and installing pumps.

Q. When did you first do any work for them? A. During the years 1930 and 1931.

Q. Did you visit the Watch Tower between 1914 and 1918? A. Yes.

Q. How often? A. Well, I wouldn't recall just how often.

The Court: Approximately.

The Witness: Several times during the year.

Q. How many times in 1917 did you visit there? A. I wouldn't recall.

Q. Was it a matter of once a year or what? A. I would think it was more than that. Probably—

Q. Did you ever have occasion to talk to any of the directors I have mentioned during that year? A. I talked with them, yes.

Q. They were directors up to a certain time in 1918, weren't they? A. I don't recall.

Q. Don't you recall that? A. No.

Q. Do you recall that they all withdrew at one time?

Mr. Covington: This is the same line of testimony that has been excluded. We object to it as immaterial as to what happened in 1918.

The Court: Objection sustained.

Mr. Bruchhausen: His testimony is it was always peaceful and serene, from this outfit, from 1914, and I want to question him on that.

Mr. Covington: I object to the prejudicial remarks of counsel.

The Court: Please don't make any comment; you have had a ruling.



Q. Wasn't that your statement, that all was peaceful? A. That is correct, when I was there.

The Court: How many times in 1938 did you visit Bethel?

The Witness: I would say probably two, three or four times.

The Court: In 1939, how many times?

The Witness: It would average probably the same.

The Court: And sometimes you would stay to dinner, or always?

The Witness: Sometimes.

The Court: Sometimes you did not. How many times a year did you have dinner there?

The Witness: It would be hard for me to say. Once or twice, yes.

Q. How long would you stay there on each of those occasions? A. Only a short time. After dinner I would be going.

Q. You know that Mr. Rutherford had a loud voice, didn't you? A. He had a loud voice, of course. It is necessary.

Q. In fact, he had a very loud voice? A. I wouldn't say that.

Q. He was accustomed to considerable public speaking, was he not? A. That is true.

Q. And you had heard him at conventions? A. Exactly.

Q. And you had heard him speak even before they had amplification systems? A. I had.

Q. And speaking to large gatherings in large halls? A. Yes, sir.



Q. And they didn't have any trouble hearing him, did they? A. That is correct.

Q. You read this article on September 1st entitled—that has been referred to here in court? A. That is right.

Q. And you believed that article? A. Right.

Q. That he was unfaithful? A. I did.

Q. And do you say he was unfaithful because he wrote a letter? A. I wouldn't say that.

Q. You say he was unfaithful because he criticized Mr. Rutherford? A. I wouldn't say that.

Q. So that in your opinion he had a right to criticize, didn't he? A. By way of explanation—

Q. No. Did he or did he not have a right to criticize?

Mr. Covington: That is based upon facts and we object to it as argumentative and as assuming a fact that is not in evidence.

The Court: Sustained.

Q. Did you request Mrs. Van Ness to show you the letter? A. I did not.

Q. Did you ever see it after that time?

The Court: Did you ever see the letter or a copy of the letter after that time?

A. That was the only time.

Q. And you have been getting communications from the Watch Tower all during that time, haven't you? A. Yes, sir.

Q. But you did see the article of October 15th, entitled, "Information" and the article entitled "Snares," did you not? A. I did.



Q. And you did see these various resolutions that were printed there? A. I did.

Q. And as they came along didn't they all the more confirm in your mind that Mr. Moyle was acting improperly? A. I had already formed my mind about that.

Q. When did you form that in your mind? A. After I had written the letter on August 31st. I decided that if he took the proper Scriptural course immediately that there was hope for him, and that if he did not take the proper Scriptural course that he would be one of the evil servants.

The Court: When you read the article of November 15th and the one of October 15th that settled your mind?

The Witness: No. I had already decided that made up my mind before I read those articles.

Q. Forgetting the Scriptures for a moment, if as testified to here a man has been counsel for an organization for four years and apparently carries on and does everything they tell him to do, and writes a letter and then he is given less than 24 hours to move out with his family, do you say that is a fair thing to do?

Mr. Covington: I object to that as argumentative.

The Court: Objection sustained.

Q. So that your foundation of opinion was based solely on the Scriptures, is that correct? A. I can give you the Scriptures.

The Court: He didn't ask you that.

The Witness: Pardon me.



Q. Do you find any Scriptures which authorized or sanctioned treating a man as in Mr. Moyle's position of being there for four years and letting him out within 24 hours or less than 24 hours' notice?

Mr. Covington: That is argumentative again.

The Court: No. He asked him if he knew any Scriptures.

A. I do.

Q. What Scripture is that? A. I know one in Acts, 6, which refers—in 2 Corinthians, the sixth chapter, which says this: "Be not unequally yoked together with unbelievers, for what concord or what agreement hath righteousness with unrighteousness, or light with darkness?"

Q. At what point, in your opinion, did he become an unbeliever? A. The very moment that he failed to take the proper Scriptural course and retrace his steps and get on the right foot.

The Court: When was that?

The Witness: That was between August 31st, when I wrote my letter, in which I outlined to the Society in this letter—

Mr. Bruchhausen: I object to what he stated.

The Witness: I emphasized the fact—

The Court: Don't tell what you said in the letter. You say from the date that you wrote him the letter and tried to get him on the right path.

The Witness: Yes, sir, I emphasized the Lord's organization.

The Court: Do you mean to say that



when you wrote him this letter dated August 31st that from that minute on when he didn't take your advice?

The Witness: From there until the 15th. That was ample time for him to retrace his steps, and when he didn't do it then I knew that he would go from bad to worse. That is what I believed, and I decided that.

Q. So you concluded that because he didn't take your advice that he was an unbeliever? A. The Scriptural advice.

The Court: As given to him by you?

The Witness: That is right.

Q. As recommended by you? A. In the letter, the Scriptural advice.

Q. But he was a believer between July 21st, and the end of August when your letter was written? A. The 31st of August, my letter was written.

Q. He was a believer until the time your letter was written? A. Until he took the wrongful Scriptural course.

Q. I am asking you to tell us whether he was a believer between July 21st and the date you wrote the letter. A. That is an individual matter between the creature and the Creator.

Q. When did you decide that he was an unbeliever? Wasn't it in August as you just said?

The Court: He said between August 31st and September 15th. Isn't that right?

The Witness: That is correct.

Q. So that he was a believer up until the end

of August. He was all right as far as you were concerned, until the end of August? A. No.

Q. What was the matter with him between July 21st and the end of August? A. Because—The course which he took in writing that letter was not Scriptural. If he had any grievance he could have went personally.

Q. So you say he became a non-believer because he wrote the letter, is that right? A. I didn't say that. I said he didn't take the proper Scriptural course.

Q. When did he become a non-believer? A. From August 31st to the next few days.

Q. Between those two dates? A. Yes, sir.

Q. You spoke a moment ago about discussions that they had in Bethel when you were present



The Court: Sustained, it has already been answered.

Q. Did you ever hear anyone of the officers there ask anyone for suggestions as to what to do there, other than the Scriptures? A. No. Only a Scriptural proposition all the way through.

(Witness excused.)

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HELEN B. VAN NESS, a witness, called on behalf of the defendants, being first duly sworn, testified as follows: (Residing at Towaca, N. J.)

*Direct examination by Mr. Covington:*



if so, why? A. They asked my husband's permission that day that they liked the spot where the assembly was, that they might have their trailer brought there, that they might come up week-ends.

Q. During that time did they visit your place on week-ends? A. Very frequently.

Q. From 1935 to 1939 did you become better acquainted with Mr. Moyle and his wife? A. Very much so.

Q. Did you learn to trust him and regard him highly? A. I thought a lot of all three of them and I certainly had a lot of confidence in them.

Q. Did you trust Mr. Moyle, one of Jehovah's Witnesses? A. I certainly did.

Q. They are just magazines that set forth religious Scriptures and doctrines, don't they? A. Yes, sir.

Q. And there are a great number of organizations in this country that print versions of the Bible? A. Yes, sir.

Q. So there is no quarrel that you have about the contents of those magazines as far as any attack on the Watch Tower is concerned? A. No.

Q. You believe that people have a right to print what they consider their beliefs on the Bible? A. By all means.

Q. When Mr. Moyle came to your farm in August, 1939, with his trailer, as you say, you were inquisitive as to why he was on his way out to Wisconsin, weren't you? A. I don't know about that.

Q. Didn't you want to find out why he was coming out, why he was on his way to Wisconsin? A. I don't know that I had a chance to ask.

Q. Don't you when you find people who are changing from one place to another, friends of yours, naturally ask the reason for it? A. They were very tired that night and I asked no questions.

The Court: The next morning.

Q. Didn't you ask them the next morning? A. He told me that night that he had a copy of that letter that he would hand me in the morning and that sufficed for that day.

Q. Didn't he ask you—Let me ask you if you can't refresh your recollection. He came into your farm on the evening of August 8th, you say. A. Of 1939.



Q. And did he come right to your house and hand you a letter? A. No, he didn't.

Q. Didn't he exchange greetings with you? A. I was so shocked I don't even know what he said.

Q. Were you shocked because you found the trailer on your farm? A. No.

Q. Were you shocked because you found it was Mr. Moyle? A. 12 o'clock at night.

Q. And did you have any discussion then? A. Not that I recall.

Q. Then the following morning you had breakfast, I assume. A. Mrs. Moyle was there at breakfast, but I am not sure about the rest.

Q. And then you sat down to breakfast? A. Yes, sir.

Q. And did you ask them why they had gotten in there so late at night? A. No, because I think by that time I had the letter.

Q. Before saying anything at all as to why he got in there that night, he handed you a letter without any statement or anything else? A. No. He told me that he would tell me the reasons by the letter the next morning.

Q. Hadn't there been some conversation prior to that and you naturally asked him why he was there at that time of night and away from Bethel? A. I was confused, I don't remember what happened.

Q. It is possible that you had a conversation, two or three years ago, with him asking him why he was out there? A. I think I was busy getting the beds ready for a place for them to sleep.

Q. I am speaking about the next morning. A. I didn't get the question.

Q. I am asking you whether the next morning



you didn't very naturally say, "Mr. Moyle, how is it that you are out of Bethel and out here in the trailer?" Didn't you ask him that. A. I don't think I did.

Q. You didn't have any conversation? A. No doubt we talked, but I don't know that we talked about that.

Q. You know him very well? A. Yes.

Q. You did remember some parts of the conversation, didn't you? A. I remembered about the letter.

Q. Did anybody talk to you, Mr. Covington or anybody else, recently? A. Yes, sir.

Q. Where? A. At Bethel.

Q. And did they ask you whether you had a letter handed to you? A. He asked me what I knew about the case.

Q. And you told him right away that you had a letter handed to you? A. Just what I am trying to tell the Court and jury.

Q. Did you tell him there was no conversation but just a letter? A. He didn't ask me that.

Q. He didn't ask you whether there was any conversation? A. He didn't ask me if there was a letter. I told him I got the letter.

Q. So you didn't mention any conversation but you just said a letter? A. No.

Q. And here you have known Mr. Moyle for sometime and you had no conversation with him but he just handed you a letter? A. I said I don't remember. I was confused.

Q. So it is possible that you did have a conversation? A. I don't know.

Q. But it is possible that you had one? A. I may have said—



The Court: Is it possible that you had a conversation, or isn't it possible?

The Witness: It is possible.

Q. Did you become confused as soon as you read the letter? A. Well, this is a different story.

The Court: You were talking about 12 o'clock at night, the visit?

The Witness: Yes, sir, myself, no company.

Q. But you became confused as soon as you read the letter, isn't that it? A. Yes.

Q. Do you remember seeing in the letter that he was still loyal to the Society? A. Yes, sir.

Q. Didn't you believe him as a friend that he was? A. I didn't know what to believe. I was confused.

Q. Don't you take some stock in what friends tell you? A. Yes, ordinarily.

Q. If a friend comes to you and says that he is still loyal, until you have some evidence in disproof of it, don't you believe it? A. I didn't know what to believe.

Q. So you didn't form any opinion then? A. I didn't then, no. I was confused.

Q. And you remained confused for how long? A. Well, for practically a year.

Q. But you read these articles in the "Watch Tower" all the time? A. I did.

Q. And you never heard anything more about the letter after that, is that correct? A. I did not.

Q. And how did the letter get to the attention of the Watch Tower people? A. I don't just understand that question.



Q. How did the letter that the defendants' attorney produced here in court get into the hands of the Watch Tower organization? A. I tore mine up.

The Court: You didn't hand any letter in?

The Witness: I certainly didn't.

Q. You have always been a believer in the "Watch Tower" magazine, haven't you? A. Since 1927.

Q. And you always believed that it is God's organization on earth? A. I do.

Q. And the only one? A. I do.

Q. And also that Mr. Rutherford was the head of God's organization on earth? A. A servant of that organization.

Q. Or representative of God's organization on earth? A. Yes.

Q. So that anything that came from that source you would believe without hesitation? A. I told you I was confused about that article.

Q. Didn't you believe it? A. I didn't know what to believe.

Q. You didn't disbelieve it, did you? A. No.

Q. And you believed the articles afterwards, October 15th, "Information", and the November 15th article? A. I had my Scriptures to prove it.

Q. And you believed it from the statements made in those articles? A. I did.

Mr. Covington: That is all.



*Redirect examination by Mr. Covington:*

Q. The literature designated as "Messianic Theocracy", did you notice who that was published by? A. I did not.

Q. You had always regarded the Watch Tower organization very highly, had you not, before you received this letter? A. I had.

Q. And did this have a tendency to shake your belief in the organization at first?

The Court: She has testified she was confused.

Mr. Covington: Withdrawn. That is all.

(Witness excused.)

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HENRY G. JUDSON, residing at Pickens Road, Greenville, Massachusetts, a witness, called on behalf of the defendants, having been first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Are you connected with the Watch Tower Bible & Tract Society as one of their ministers? A. Yes, I am.

Q. How long have you been connected with the Society? A. Since 1909.

Q. And in what places have you acted as the representative of the Society, what states? A. In the State of Massachusetts.

Q. During the time that you have represented the Society have you had an opportunity to visit in the Bethel Home A. Yes, I have.

Q. When did you first become acquainted with

Judge Rutherford? A. Well, personally, my first visit with him was sometime after 1922 or 1923. I don't recall.

Q. From 1922 to 1923 did you have an opportunity to visit with the Judge in the Bethel Home and discuss matters with him pertaining to the service? A. I had met him on one occasion, yes, respecting service matters.

Q. And at any other times had you seen him at the Bethel table? A. Yes, sir.

Q. Have you ever visited and had meals at the Bethel Home? A. Yes, sir.

Q. About how many times a year on an average have you been in the Home? A. Well, it varies. Some years perhaps once or twice, perhaps oftener, depending upon the work necessary.

Q. During the years 1938 and 1939 had you visited at the home very often? A. Well, I had been down here. I think twice that year, in 1938.

Q. And how many times, in 1939, before July 21, 1939? A. Probably not more than twice.

Q. On the occasion of your visit in the Home have you had an opportunity to observe the conditions that exist there? A. Yes, I believe so.

Q. State whether or not there has always been a condition of unity and harmony in the house. A. I have never seen anything else.

Q. Have you had occasion to observe Judge Rutherford at the table before the Bethel Family? A. Yes, I have.

Q. Had you ever seen him mistreat and give the Family ill treatment? A. Never.

Q. At any time? A. Never.

Q. Was there a condition of restraint of speech



in the Family when he was at the table? A. Not that I observed.

Q. Have you ever heard discussions at the Bethel table with reference to any topic yourself? A. Yes, sir.

Q. What usually are the subjects of discussion amongst the members of the Family? A. The usual discussions, of course, of Biblical matters, discussions of prophecies or such things as that, and sometimes respecting the field service.

Q. Is this done in the form of questions and discussions on it? A. Well, the usual practice, as I have observed, was to ask the Bethel Family if any of them had any comment or questions.

Q. And then what? A. Then they were given the privilege of asking their questions.

Q. And then was the question thrown open to the entire family? A. Yes, sir.

Q. During any of those discussions have you observed any arbitrary harsh treatment on the part of the Judge towards the brethren? A. Not that I have observed.

Q. Did you notice full liberty of speech? A. Yes.

Q. Have you ever seen or heard of filthy and vulgar language being circulated about the table and in the Bethel Home when you have been present? A. Never at any time.

Q. What is the general tone or tenor of the conversation and conduct of the brethren in the Bethel Home at those times? A. The only thing that I have ever been able to notice is the fact that they are wholly devoted to the Lord and they discuss the Lord's business.



Q. Have you ever heard of the glorification of alcohol at the Bethel table? A. No.

Q. Any glorification of alcohol or the use of filthy stories on the part of Judge Rutherford at the table? A. I never have.

Q. How long have you known the plaintiff O. R. Moyle? A. Well, since approximately 1938.

Q. And during and after 1938 did you have occasion to have visits with him and discuss with him certain matters? A. During and after that period, yes. I met with him in conversation of certain litigation or legal cases that involved our brethren in the State of Massachusetts.

Q. Do you recall the occasion that Mr. Moyle was attending to the argument of a case in the Children's Court in Massachusetts, Greenfield? A. Yes, sir.

Q. You recall the Johnson case, do you not? A. That was on May 1, 1939.

Mr. Bruchhausen: I don't think that is any issue with the Johnson case here.

The Court: He is setting the date.

Mr. Covington: That is all.

Q. After the Johnson case had been argued did you have occasion to travel with Mr. Moyle from the court house to some other place? A. Yes, sir.

Q. Where did you go? A. I took Mr. Moyle to Springfield to catch the New York train.

Q. And where did the argument take place, in what place? A. Between the City of Greenfield and Springfield, which is a distance of approximately 35 miles, we discussed the matters for approximately an hour or an hour and a half.



Q. Was that while driving in the automobile? A. Yes, sir.

Q. During the years that you have been connected with the Society, do you know whether or not the position of Jehovah's Witnesses with respect to military service is similar to that of the—they have objection to military service?

The Court: How is that an issue here?

Mr. Covington: I am going to lay a predicate for what happened next.

Q. Are you aware of the fact, of the stand of Jehovah's Witnesses on that question? A. Yes.

Q. Was that at that time a well known stand by every one of Jehovah's Witnesses? A. Well, it was clearly understood by Jehovah's Witnesses, yes.

Q. And expressed in the official publication, was it not? A. Yes, sir.

Mr. Bruchhausen: It is not an issue in this case that I know of.

The Court: I don't see that it is.

Mr. Covington: Mr. Moyle has mentioned in his letters about being charged with telling the children to go to military school and I am now getting down to that point.

Q. Did you have any conversation with Mr. Moyle—

Mr. Bruchhausen: That is not in the issues in this case.

Mr. Covington: Yes, it is.

The Court: Let him ask the question.

Q. Did you have a conversation with Mr.



Moyle on the way from Greenfield to Springfield in reference to his advising, or did he make any statements with reference to the course that children should take concerning military service? A. Yes, sir.

Mr. Bruchhausen: I don't see anything in this letter of Moyle about military service.

The Court: I don't see how it is an issue at all. But I will hear you.

Mr. Covington: I am laying a predicate for impeachment of Mr. Moyle.

The Court: That is the only possible ground it would be admissible, to attack the credibility.

Mr. Covington: And the statements made in the letters that are already in evidence to the effect that he had been falsely charged with it.

The Court: All right.

Mr. Covington: For that purpose it is offered.

Ladies and gentlemen of the jury, the question of military service is not an issue here. This is offered for another purpose.

Q. Please tell what conversation if any you had with Mr. Moyle in regard to that question. A. Mr. Moyle said to me that he had been questioned by some of the brethren respecting the sending of their children to military school in the event that compulsory military training became a part of the high school curriculum in some cases, as was being discussed in the newspapers, and also the taking or the pursuing of military training by grown-ups, should that be made effective in this Nation.



Q. What did he say to you in reference to the course of action that should be taken by children of Jehovah's Witnesses? A. He said that there would be nothing wrong in either the children or the grown-ups taking it or pursuing military training, if it became a compulsory affair.

Q. What if anything further did he say with reference to the objections that you had stated to him that were going to exist on the part of Jehovah's Witnesses to that training? A. Will you please repeat that question.

The Court: Read it.

(The foregoing question was thereupon read by the Court Reporter.)

A. Well, he stated that he could see nothing wrong in the putting on of the uniform or using the gun for purely training purposes; but should it come to the point where war did actually come, then the person could determine what he wished to do, and I asked him a question in connection with it.

Q. And what did he say in answer to the question further? A. He said that so far as he was concerned he could see nothing wrong with pursuing the military training under those conditions, but that if war came that is time enough to lay down his arms and state he wouldn't go any further.

Q. What did you say to him in that connection as to his recommendation on that course? A. Well, it rather surprised me and I told him rather pointedly, perhaps, and yet as kindly as

I knew how, that that would be an act of rank hypocrisy.

Q. Anything further? A. Yes. We for a moment or two brought out such Scriptures as I could call to mind, showing that the course of strict neutrality on our part would be violated.

Q. You have never read a copy of Mr. Moyle's letter, have you? A. No, I never have.

Q. Did anyone tell you about having received a copy of the letter? A. Yes, sir.

Q. Where was that? A. Mr. Philbrick of Boston.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruckhausen:*

Q. You felt that no one could ever question any doctrines that are laid down by this organization? A. No. A person has the right to investigate to see if these things taught are true.

Q. Suppose they find out they are true and yet they are in disagreement with what the Watch Tower says? A. I beg your pardon.

Q. You mean only the Watch Tower can be true? A. Only the Lord's word can be true.

Q. As determined by who? A. As determined by the Lord's servants, as determined by the Lord but given to his servants on the earth.

Q. So that if Mr. Rutherford determined them it came through the Lord and they accepted it? A. I didn't say that, I said the Lord's servants.

Q. You are the Lord's servant at the time. A. He was only part of it.

Q. If it came through the Watch Tower,



whether it was Rutherford or somebody else in the outfit, then that was the Lord's word, is that it? A. If it came through the Society, which is the Lord's servant.

Q. Mr. Moyle, on this military service said if they put on the uniform and it came to a matter of war afterwards, that was a matter to be determined when that situation arose, isn't that so? A. Repeat that question, please.

The Court: Read the question.

(The foregoing question was thereupon read by the Court Reporter.)

A. No, that is not exactly the point.

Q. Well, at least you didn't come to any conclusion about what you would do when war came? A. Mr. Moyle was very definite as to what he would do.

Q. Were you definite yourself? A. Very definite.

Q. You believed they should stick to the old policy of not getting into the Armed Service, is that right? A. I can answer that, no. If I might just simply add this statement, Scripture statement, that no man that warreth entangleth himself with the affairs of this world, but the Scriptures goes on and shows that a person fights in the service of the Most High, but he doesn't use carnal weapons.

Q. But if the magazine came along and said it was all right to go to war, would you read it and take it? A. No, I wouldn't.

Q. Have you ever departed in all the time that you have been a minister from anything



that has been said in that magazine? A. I have never seen anything to disagree with so far as the Spirit is concerned.

Q. And that is ever since 1909? A. That is right.

Q. You also agree with their statement that Christ suffered for the obedient ones, is that right? A. Indeed.

Q. He didn't suffer for all mankind? A. Yes, sir.

Q. He suffered for both of them? A. Only half of the sentence is being read. What you are quoting is only half read.

Q. Let us hear your version of who He suffered for. A. The Bible distinctly states that he gave his life as a ransom for all to be testified in due time, but the Scriptures which you quoted shows that it is God's Will that all shall be saved and come to a knowledge of the truth.

Q. You don't include in your version the obedient ones? A. Indeed it is. It is the obedient ones that shall live after they have had an opportunity to get the truth and they accept it or reject it.

Q. Do you say that you don't agree with this version of God's suffering for the obedient ones? A. I agree, Jesus suffered.

Q. Who are the obedient ones, in your opinion? A. The obedient ones are those who obey the commands of the Most High set out in the Bible, and taught by Jesus Christ and the apostles.

Q. Are the members of the Watch Tower the obedient ones? A. Not necessarily. There are



many persons of good will out in the world who after hearing the voice of the Lord, come and move towards God's organization.

Q. But the people of good will are not Watch Towers, are they? A. Not until they take a stand.

Q. They are out on the edge? A. They are outside in the world.

Q. They are prospects? A. Not necessarily, unless their heart is right towards the Lord and the Lord draws them.

Q. They are the ones that go out and you sell these books to? A. You don't go out and sell anything.

Q. Don't you sell any books? A. No, sir.

Q. Are you on a salary? A. No, sir.

Q. Expense account? A. No.

Q. What do you do for a living? A. Well, the Lord makes provision. A small portion of what I take as contributions I can reserve towards my expenses. The balance is cared for in my family arrangements on the farm.

Q. So you get part of it from contributions, is that it? A. I am privileged to reserve a small amount, which never as yet—

The Court: You retain some percentage of your contributions, is that it?

The Witness. That is right.

Q. You believe in free speech? A. I do.

Q. And would you say that if a man writes a letter that is free speech? A. Well, he has a right to write it, yes.

Q. And that comes within the definition of free speech? A. Of course.



Q. Just because you disagree with the letter doesn't make it any more contrary to the doctrine of free speech, does it? A. Not at all.

Q. You say that they had discussions in this Bethel organization? A. That is right.

Q. Who conducted them? A. Usually the head of the table.

Q. Who was that? A. Sometimes Brother Rutherford. If he was there. If he wasn't there someone else was appointed to take his place.

Q. Was he the one who asked the questions? A. No, anyone in the audience has a right to ask questions.

Q. On the Bible and on distributing books, is that right? A. On whatever matter of importance needed an answer.

The Court: Whatever matter was being discussed at the time.

The Witness: There were various matters discussed.

Q. Did you ever hear anybody there say anything about how to run Bethel? A. About what?

Q. How to run Bethel? A. Did I ever hear anybody at Bethel?

Q. Yes. A. No, I don't think I have.

Q. Anybody in these meetings that you mentioned in that room there ever mentioned anything about how to run Bethel? A. No, it wasn't necessary.

Q. How many times were you there in 1938? A. I think it was two or three times. I don't recall.

Q. And how long did you stay on each occa-



sion? A. Sometimes only during the day and sometimes I would stay overnight.

Q. How many times did you stay overnight in 1938? A. That I couldn't say.

Q. Are you sure it wasn't an earlier year than 1938? A. There is hardly a year goes but what I come down to Bethel.

Q. You have no very definite recollection whether you stayed overnight in 1938 or any other year, have you? A. It just depends.

The Court: You have no definite recollection?

The Witness: I have no definite recollection.

Q. You did not keep a diary of it? A. No, indeed.

Q. And that is true of 1939? A. True of every year.

Q. And on those occasions when you were there were there any other visitors? A. On those occasions, yes.

Q. Were there times when you were there when there were no other visitors? A. Yes, sir, there was.

Q. In other words, on many of those occasions that you were there it was just the Watch Tower Family? A. That is right.

Q. That is the usual aggregation in that Bethel House? A. I don't know.

Q. It has been in your experience? A. No, I am not certain; after all, I don't know the position of the visitors to the Bethel Family.

Q. I am asking from your experience. A. I only know that I am there myself.

Q. And you don't know of any other outsiders that were there at the times you were there? A. Unless I happened to know them personally.

Q. You don't recall any in all the times that you have been there? A. Yes. I have been there when some of the friends, near a convention, they have been in there on business.

Q. And on how many occasions in the years 1938 and 1939 that you were there were there any other visitors to your knowledge excepting yourself? A. I don't know.

Q. And you believe that that is God's organization on earth? A. That is right.

Q. And that you would accept anything that came from God's organization on earth? A. No, only after it—only after careful study to see if it compares with the Scriptures.

Q. You only compared these letters of September 1st, the article, and the October 15th article, and the "Snares" article with the Scriptures? A. No. I saw the truthfulness of those as a result of my personal observation of the individual alluded to.

Q. You recall, do you not, in this letter of Mr. Moyle, of July, 1939, that he talks about lambasting some of these individuals in the place during the time he was there, don't you? A. I recall that that was the charge.

Q. And it is possible, at least, that you weren't there day in and day out, were you? A. No.

Q. You don't have information on that part of it at all? A. I don't feel it would be necessary.

(Witness excused.)



GROVER C. POWELL, residing at 783 Parkway Drive, Atlanta, Georgia, a witness called on behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Powell, how long have you been one of Jehovah's Witnesses? A. Since 1916.

Q. During that time have you acted in the capacity of a full time minister for the Watch Tower? A. Well, yes, most of that time.

Q. In what states have you represented the Society? A. Well, in most of the states. There are some few that I have not.

Q. Have you ever been a member of the Bethel Family? A. I have.

Q. And during what period? A. From November, 1935, until the Spring of 1936.

Q. Are you a licensed attorney? A. I am.

Q. And what jurisdiction? A. In Georgia.

Q. Any other state? A. Tennessee.

Q. During the time that you lived at the Bethel Home did you become acquainted with Mr. O. R. Moyle and his wife Phoebe? A. I did.

Q. Did you go out in the Witness work, preaching from house to house with Mr. Moyle? And Phoebe? A. I did, on several occasions.

Q. During that time did you ever have an opportunity to discuss with Mrs. Moyle the reasons why she gave to Bethel? A. Yes. That subject came up on more than one occasion and she explained about their coming.

Q. Do you remember when that was? A. Yes; that was in the Fall of 1935.



Q. Was it at the Bethel Home or on the outside? A. Well, it was in both instances.

Q. What conversation, if any, did you have with her in reference to why she had come to Bethel and her attitude towards coming to Bethel? A. Well, she was just talking generally about their coming to Bethel and that they formerly lived at Union Grove, a small town in Wisconsin, and that Mr. Moyle wanted to come on to Bethel very badly, but she herself was opposed to the idea. But after it appeared that he must have his way in the matter she consented to come, reluctantly.

Q. Now, have you ever visited in the Bethel Home either before or after you were at Bethel? A. Before the time that I mentioned, between 1935 and 1936?

Q. Yes. A. Yes, I have—let us see, mostly before.

Q. How long have you known or did you know Joseph F. Rutherford during his lifetime? A. Well, during most of the time that I have been connected with the organization.

Q. Have you ever had an opportunity to discuss with Joseph F. Rutherford any matters of policy or operation of the Society's business or anything of that kind? A. Well, yes, I have.

Q. Have you also observed Judge Rutherford at the Bethel table? A. I have.

Q. Did he usually preside at the head of the table? A. He did.

Q. He is regarded as the head of the family, the Bethel Family, is that true, at that time? A. That is true.

Q. Did you and your wife live at the Bethel



Home? A. Yes, during that period of 1935 and 1936.

Q. And that was the same time that Mr. and Mrs. Moyle lived there, is that right? A. Precisely.

Q. During that time, did you have an opportunity to observe the acts and conduct of Joseph F. Rutherford towards the members of the Bethel Family, his brethren? A. Yes, I did.

Q. Could you tell what his attitude was towards the family while at the time? A. Well, his attitude was good, and he semed to take a lot of interest in the family.

Q. Did he permit free speech? A. Oh, yes.

Q. Just explain how the opportunity to discuss matters is allowed at the Bethel table, say at Breakfast, dinner and supper. A. There is a devotional period in the morning, and connected with that is a discussion of Bible texts for the day, and some were called upon by Judge Rutherford and others were given the opportunity to volunteer their answers, and then it was usually opened up for questions. Anyone that had a question that they liked to propound, they had the privilege of doing so.

Q. Were the comments usually generous and participated in by all? A. Yes.

Q. During the time that you were there and attended the Bethel Family meetings at the table, did you ever hear of anyone getting a severe, loud table trimming by Judge Rutherford? A. No, I never did.

Q. Did you ever hear anyone denied freedom of speech? A. No.

Q. Did you ever hear of Judge Rutherford



acting the part of a dictatorial boss before the family? A. Never.

Q. Did you notice any discrimination on the part of the Judge against his brethren? A. I certainly did not.

Q. Did you ever hear filthy and vulgar stories passed about the tables and throughout the family while you were there? A. No, sir, I did not.

Q. Did you ever hear of liquor being glorified by the Judge at the table, or anyone else? A. It wasn't.

Q. Have you observed that whenever Judge Rutherford was approached on a matter that a person approaching him might have a difference of opinion in the discussion, that Judge Rutherford assumed an arbitrary and dictatorial attitude?

Mr. Bruchhausen: I object unless the time is mentioned.

Q. (Continued) During the time that you were at Bethel from November, 1935 to the spring of 1936, did you observe him, ever talk with him during that time? A. Oh, yes, I talked to him during that time.

Q. What business or what section of the work were you assigned to handle while you were at Bethel? A. It was in connection with the Greater New York company, outside.

Q. And did that include all of the company of Jehovah's Witnesses in New York City that you were the head of? A. Yes.

Q. In carrying out that duty, did you have an opportunity to confer with Judge Rutherford much during that time? A. On various occasions.



Q. Did you ever make any suggestions to the Judge which he disagreed with and in which he assumed an arbitrary and dictatorial attitude towards you? A. No, never did. I discussed things and suggested things to be done.

Q. Did he accept your suggestions? A. Sometimes. When he didn't, there was nothing unpleasant about it in any sense. Everything was very proper.

Q. Did you regard Judge Rutherford as the head of the family at that time? A. Yes, I surely did.

Q. How long have you known the plaintiff, O. R. Moyle? A. I met him first when I came to Bethel in the fall of 1935.

Q. And after you left Bethel, you went to Georgia, did you not? A. That is right.

Q. Did you go there to aid in the legal difficulties of Jehovah's Witnesses in that state? A. I did.

Q. And during that time, did you have correspondence with Mr. Moyle? A. I did, quite often.

Q. What attitude or regard did you have towards Mr. Moyle during the years 1935, 1936, 1937, 1938, and 1939? A. Well, I regarded him highly. He was highly recommended. He was recommended by the Society.

The Court: He did not ask you that. You regarded him highly?

The Witness: Yes.

Q. Did you believe that he was one hundred per cent for all the Society's doctrines and publications? A. Yes. He so stated.

Q. Did you think he was in harmony with the Society as to the Bethel Home? A. Yes.

Q. I show you a part of Defendants' Exhibit U, the letter dated August 18, 1939, addressed to you and signed by the plaintiff, and ask you if you have ever seen that (handing to witness). A. Yes, I am familiar, having seen this letter and received it through the mail from Mr. Moyle.

Q. Does that letter contain certain charges that he made against Judge Rutherford as to conditions at Bethel?

Mr. Bruchhausen: I object.

The Court: The letters speaks for itself. It has already been read to the jury.

Q. Did you believe that the charges made in this letter were true?

Mr. Bruchhausen: I object to any reference to a letter. I have not seen it.

The Court: Yes. This is in evidence and has been read to the jury.

Mr. Bruchhausen: Oh, pardon me.

A. No, I did not believe them to be true. In fact, I knew that they were not true.

Q. Did you read the article entitled "Information" published in the "Watch Tower" magazine of October 15, 1939? A. I did.

Q. Did you know the men that had signed that article, members of the Board of Directors? A. I knew them personally.

Q. Based on your knowledge of the conditions in the Bethel Home and the statements contained in that article, did you believe it to be true? A. I did. I had every reason to believe it was true.



Q. What effect did it—I withdraw that. That is all.

The Court: Mr. Bruchhausen, will your cross-examination take some time?

Mr. Bruchhausen: It may.

The Court: Then we will take an adjournment until two o'clock. Do not discuss the case.

(Whereupon an adjournment was taken until two o'clock p. m.)

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AFTERNOON SESSION

Two o'clock p. m.

(Trial resumed.)

GROVER C. POWELL, resumed and testified further as follows:

*Cross-examination by Mr. Bruchhausen:*

Q. Mr. Powell, you recall that reference was made a while ago to the letter written to you by Mr. Moyle, dated August 18, 1939? A. I recall.

Q. Did you ever reply to that letter? A. I never did.

Q. Any reason for not replying? A. Yes, I did have. Would you like me to state them?

Q. Had you then determined that the charges were untrue? A. Yes, I had.

Q. You hadn't a copy of Mr. Moyle's letter to Mr. Rutherford at that time, had you? A. No, I had not.

Q. So that all you had was this letter (indicating)? A. Yes, that is right.



Q. So you arrived at your opinion from this letter? A. Entirely—I said entirely. I should add to that with the other facts which were well known to me.

Q. You mean the facts you have stated here in court today? A. That is right, and others that I have not stated.

Q. Do you recall in this letter this paragraph: "And while I am writing this letter, I might just as well keep a promise I made to the Judge back in June. I had quite an argument with him the day we called on Leibowitz. You remember the occurrence. For some reason the Judge objected to you"—meaning you, the witness—"assisting me"—Mr. Moyle—"in those Madison Square Garden cases, and Bonnie or Bill Heath had apparently informed him that you were going along in assisting. He told me to tell you"—Mr. Powell—"were not to go along. I"—Mr. Moyle—"tried to reach you"—Mr. Powell—"before we got to Leibowitz's office, but couldn't, and you"—Mr. Powell—"recall you were there ahead of us. Then when I reported back to the Judge, he wanted to know why I permitted you"—Mr. Powell—"to sit in on the conference. I told him I wouldn't insult you"—Mr. Powell—"by forbidding you to go in with us. We had quite a discussion and he"—the Judge—"wanted me to inform you that you were to have nothing to do with the cases. I agreed to do so but overlooked the matter, and it wasn't necessary, for you left right at that time. So I have now informed you and my promise is kept."

So you knew that Mr. Rutherford did not want



you to participate in the Madison Square Garden case though?

Mr. Covington: I object to that.

The Court: Objection sustained. You knew that Mr. Moyle said that?

The Witness: I only knew it was in the letter. That is all I know about it.

The Court: I say you knew that Mr. Moyle wrote that?

The Witness: Yes, that is in the letter. That is correct.

Q. At any rate, you were not asked to participate in the Madison Square Garden case? A. No, I did not expect to be—

Mr. Bruchhausen: I move to strike it out.

The Court: Mr. Powell, you are a lawyer. Please answer the questions.

The Witness: Pardon me.

Q. Do you recall having some correspondence with Mr. Rutherford prior to the Madison Square Garden case as to a case you handled in Georgia? A. Well, I don't—I corresponded regularly.

Q. Would it direct your attention to the particular case if I said to you some case where you had advised someone of the Jehovah's Witnesses to plead guilty? A. No, I don't recall.

Q. Don't you recall that the Judge was exercised over you because you had given that advice?

Mr. Covington: He has testified, may it please your Honor, that he did not recall.

The Court: He said he did not recall.



Q. Did you have any such case in Georgia—I withdraw that. Didn't you, prior to the Madison Square Garden case, represent some Jehovah's Witnesses in a case in Georgia at the request of Mr. Rutherford or someone associated with him? A. May I have the question, please?

(The stenographer repeated the question referred to.)

The Witness: Arranged to represent some of them?

The Court: Did you represent? The question is quite clear. We have repeated it. Repeat it once more, and this is the last time.

(The question was again repeated by the stenographer.)

The Witness: Oh, sure. I didn't understand it.

Q. Did someone plead guilty at your request in those cases?

Mr. Covington: If your Honor please, that is immaterial.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

Q. You say that you were at Bethel from November, 1935 to the spring of 1936? A. Correct.

Q. Can you give us the month and the approximate time you left in 1936? A. I believe it was somewheres around the last of March.

Q. Don't you recall that Mr. Rutherford was in California most of that time? A. I believe that he was. I am not so sure.

Q. Wasn't it the custom of Mr. Rutherford



to leave for his home in California about the month of November in each year and not return until about May? A. Well, I cannot answer that question as to the time. I know he went to California, but as to the time, I couldn't answer.

The Court: Now that your memory has been refreshed, you say you were in Bethel from November, 1935, to March, 1936?

The Witness: Yes.

Q. Was he there when you were there?

The Witness: He wasn't there all the time I was there.

The Court: How long was he there when you were there, if you know?

The Witness: I don't recall, but probably a month or two months that I know of.

Q. And didn't Mr. Rutherford at any time he was in Bethel leave for week-ends over in Staten Island? A. Leave which?

Q. For week-ends over in Staten Island? A. I couldn't answer that. I don't know.

Q. Did you ever go to the Staten Island place? A. I have been there, yes.

Q. You never heard anything more from Mr. Moyle than this letter you mentioned or it has been referred to here, of August 10, 1939, is that correct? A. Well, later his letter to Judge Rutherford was—a printed copy was mailed to me.

Q. That was in 1940? A. I am not so sure as to the dates.

Q. You don't disagree that it was in 1940, do you? A. No, I wouldn't say on that.

Q. So that between 1939, the date of this letter, August 10th, and 1940 you did not receive anything by or on behalf of Mr. Moyle? A. No

Q. How many Jehovah's Witnesses are there in your locality in Georgia? A. Well, I couldn't answer that very definitely. There is a good many, though.

By the Court:

Q. What is your best approximation?

Mr. Covington: What place? The entire state?

Mr. Bruchhausen: I say in his locality, the place he is familiar with down there.

The Witness: That is the part of the question I couldn't understand very well—

The Court: Please, we are not interested in speeches. If you will listen to the question, we won't have to repeat them three or four times and it should not be necessary to repeat them to a lawyer.

The Witness: I just did not understand it.

The Court: Please listen to the question. If you don't understand it, we will have it read. But we will have no speeches. Will you read the question?

The Witness: I understand the question. I can understand the question that he has asked.

The Court: Listen to it. If you cannot answer it, say you cannot. We want nothing here except what you know.

(The question was repeated by the stenographer as follows:)



"Q. How many Jehovah's Witnesses are there in your locality in Georgia?" A. In Atlanta there is probably 250 or 300.

By Mr. Bruchhausen:

Q. Did you attend any of the classes there regularly? A. In Atlanta?

Q. Yes. A. Yes.

Q. And you read the article in the September 1st "Watch Tower" where Mr. Moyle is charged with unfaithfulness and the "Information" article and the "Snares" article, didn't you? A. I did.

Q. And "Watch Tower" magazines were delivered to all of those Jehovah's Witnesses to your knowledge down in Georgia, were they not? A. I cannot answer that.

Q. Don't you know that the articles in the "Watch Tower" magazine were studied in those classes down there? A. They were studied in the classes, yes.

Q. They came there regularly? A. (No answer.)

Q. You have handled cases for the Watch Tower organization, haven't you? A. I have.

Q. In Georgia? A. In Georgia.

Q. And various parts of the country? A. (No answer.)

Q. Have you any other occupation but acting for Jehovah's Witnesses? A. No, that is all, and my ministerial work in connection with the Society.

Q. Do you sell books, too, and literature? A. No, I don't sell books.



Q. Do you deliver them and get contributions? A. Yes, I do that.

Q. And you get part of the money, don't you? A. Well, yes.

Q. You say that you discussed with Mr. Rutherford policies at Bethel. Is that stating it correctly? A. Yes, sir.

Q. At the time you were in Bethel, you had something to do with the work in and around the New York area, didn't you? A. That is true.

Q. And those are the things that you discussed with him, isn't that right? A. That is true.

Q. You did not discuss with him the management of the Bethel Home? A. No.

Q. Or make any suggestions about the management of the Bethel Home? A. No.

Q. Nor did he ask you about it? A. No, he didn't ask me about it.

Q. And you have been friendly with the plaintiff for how long? A. Since I met him at Bethel in 1935, up until the time I left.

Q. So there is nothing that transpired as far as you know from the time you first met him until this letter of August 10th which caused any unfriendliness, is that correct? A. No, that is right.

Q. So that this letter that was written by him to you changed your opinion, is that correct? A. I think it was August 20th, however.

Q. August 18th? A. That is right.

Q. That changed your opinion? A. That is correct.



Q. And then you read the articles in the "Watch Tower"? A. I did.

Q. And then from that letter and those articles in the "Watch Tower," you made up your opinion that he was wrong, is that correct? A. That is not correct.

Q. Well, you were not at the Watch Tower between the spring of 1936 and August, 1939, were you? A. I wasn't.

Q. You did not visit the Watch Tower at all during that period? A. No, I did not.

Q. So that some of these matters may have transpired in your absence? A. I don't think so.

Q. I say you don't know of your own knowledge? A. I don't think so, however.

Q. I say you don't know of your own knowledge? A. No, I don't know of my own knowledge.

Q. You rely upon your faith as a minister and your attachment to the principles of the Watch Tower organization in formulating your opinion, don't you? A. Not altogether.

Q. Well, you believe that it is God's organization on earth, don't you? A. I believe it is, yes.

Q. And it is the only one of its kind on earth? A. He only has one organization on earth.

Q. And that is the Watch Tower organization? A. Correct.

Q. And Mr. Rutherford was what, do you call him, God's agent or representative? A. Servant.

Q. So that anything that he said in the shape of the Watch Tower on on his behalf, you accepted as God's Word? A. Well, I had reason to.

Q. But you accepted it? A. Yes. I had reason to accept it.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: Mr. Payette.

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JOSEPH A. PAYETTE, 78 Elmwood Avenue, North Attleboro, Massachusetts, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are one of Jehovah's Witnesses, are you not? A. That is right.

Q. And how long have you been connected with the Watch Tower Society? A. [illegible] years.

Q. And during that time, in what capacity have you served the Society? A. I have served as a zone servant, and back call servant.

Q. Any other? A. None.

Q. Have you ever served as company servant? A. I am sorry, yes, I have.

Q. What is your secular occupation? What work do you follow? A. I am a manager of sales and engineering.

Q. For what concern? A. Metals and Controls Corporation, Attleboro, Mass.

Q. Mr. Payette, during the years that you



have been connected with the Society, did you become acquainted with Judge Rutherford? A. I did.

Q. When did you become acquainted with him, please? A. Oh, some twenty years ago, possibly earlier.

Q. Have you ever had occasion to talk with Judge Rutherford and do business with him? A. Yes.

Q. In what capacity, please? A. I recall in the early days of radio, around 1921, a discussion with him.

Q. And have you visited him at his office in Brooklyn? A. I have.

Q. Since 1929? A. Yes.

Q. You are familiar with 124 Columbia Heights, are you not? A. I am.

Q. And are you familiar with the building there? A. I am.

Q. Have you ever visited at the Bethel Home at that address? A. I have.

Q. And during the time that you have k[illegible] Judge Rutherford, could you tell us app[illegible] mately how many times each year you [illegible] visited in the home? A. I would avera[illegible] would say, two to three times per year.

Q. Have you ever been there at any [illegible] when Judge Rutherford presided at the he[illegible] the table? A. I did.

Q. Have you ever visited in the rooms t[illegible] A. I have.

Q. Based on your experience and de[illegible] with Judge Rutherford and your visits i[illegible] home, could you tell what the attitude w[illegible] Judge Rutherford toward the family an[illegible]

brethren there at Bethel in dealing with them? A. Very excellent. I found him very solicitous of the welfare of the family there at my visits.

Q. Did you ever at any time find Judge Rutherford unreasonable and arbitrary to deal with in matters of policy or business that you might disagree with him on? A. No.

Q. What sort of an audience or consideration would he ordinarily give to suggestions of yours in reference to such matters? A. I found him very affable and advisory and very helpful.

Q. Was he kind and considerate in his dealings with others? A. He was.

Q. Could you tell what the ordinary routine was in the life at the meal table at Bethel? A. I have been there breakfasts in which a devotional ceremony transpired and then some Scriptural exhortations for the day.

Q. Have you ever at any time noticed any lack of freedom of speech at the table or restraint on the part of any of the brethren there? A. I never have.

Q. Did you ever notice Judge Rutherford at any time render any ill treatment to members of the Bethel Family? A. No.

Q. Lambaste them? A. No.

Q. At any time did you notice any discrimination on his part? A. No.

Q. Did you ever hear him use any filthy or vulgar language at the table? A. No, sir.

Q. Or advocate its use? A. No.

Q. Did you ever hear anybody else at the Bethel table use smutty, dirty, or filthy language? A. I never have.

Q. Do you know whether or not the use of



alcohol is glorified at the table? A. I don't believe it is.

Q. Have you ever heard Judge Rutherford glorify the use of alcohol at the table? A. No, sir.

Q. Do you know the standing of the Bethel Family among the various congregations of Jehovah's Witnesses in the United States that you have visited?

Mr. Bruchhausen: I object to the question.

The Court: It is too broad.

Q. Do you know the standing of the Family of Bethel as it is generally known amongst Jehovah's Witnesses in the area where you reside? A. I do.

Mr. Bruchhausen: I object to the question. I think it is altogether too general.

The Court: I will allow it. He limited it to the area in which he resides.

Q. How do Jehovah's Witnesses at large regard the Bethel Family?

Mr. Bruchhausen: I object to the form of the question.

The Court: I will permit him to answer.

A. They have experienced the same thrill that I have in visiting Bethel. They have told me personally that it was an inspiration to go there because of the peace, harmony and the sight of seeing Christianity in action.

Q. Have you ever had members of the Bethel Family visit in your home? A. Yes.



Q. And have you noticed their conduct with reference to propriety? A. I have.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You just mentioned the attitude of people towards Jehovah's Witnesses.

The Court: No, you are mistaken. Members of Jehovah's Witnesses towards Bethel.

Mr. Covington: That is right.

Q. Didn't you a moment ago before that refer to the attitude of people in an area— A. No.

The Court: You are mistaken.

Q. Then I am mistaken about that. You mentioned something about back calls? A. Yes, sir.

Q. Will you tell the Court and jury what a back call is? A. A back call is calling back on a person who has shown interest in the work, to comfort them and to explain to them the reason for the depressing world conditions.

Q. Is that the good-will group? A. Any person who shows interest in the Truth naturally must be a person of good will.

Q. Are they the people who have written in to you and said that they are interested, or are they people that you went out to solicit? A. Sometimes either way.

Q. How many back calls did you make in 1939? A. I cannot recollect.

Q. How much time during the week do you spend on Jehovah's Witnesses? A. Approximately twelve hours.



Q. And do you distribute literature? A. I do, sir.

Q. And get a commission, too? A. No, sir.

Q. You said that you discussed with Judge Rutherford the matter of radio station? A. That is right.

Q. Was that the station that the organization maintained on top of 124 Columbia Heights? A. No.

Q. You know that they have a station there? A. I do.

Q. And they have a hook-up with a great many other stations, don't they? A. I presume so. Not now.

Q. Well, in 1939? A. Possibly, yes.

Q. Do you know how many there were? A. No.

Q. How many times did you visit there in 1939? A. I would judge about three to four.

Q. And what time of the year was it? A. Mixed, any time.

Q. Can you tell us the month? A. No.

Q. Can you tell us the season of the year? A. Too indefinite. I can only average about four calls.

Q. Can you tell us how many times you visited there in 1938? A. No.

Q. Can you tell us the season of the year you went there? A. I would guess about any season.

Q. Can you tell us about 1940? A. No, I haven't kept a record of it.

Q. How long did you stay there on any occasion in 1939? A. If it was evening meal, I would stay for the evening.

Q. Did you stay over night? A. No, sir.



Q. These questions—I think you referred to questions or suggestions—were all about the Watch Tower and the Scriptures, isn't that correct? A. I didn't get your question, sir.

Q. These discussions, or whatever words you used at Bethel—

The Court: At the dinner table, breakfast table, or supper table.

Q. (Continued) —were all about the Watch Tower doctrines, were they not? A. Not all.

Q. Were they about distributing literature? A. Generally called service work. That would cover that point.

Q. They were entirely devoted to the activities of the Watch Tower Scripturally and in the shape of handing out or selling literature, weren't they? A. Selling literature is never discussed there.

Q. Where was that discussed? A. The matter of selling is never discussed.

Q. What were the occasions that brought you to Brooklyn from Massachusetts? A. My love of the brethren there and association with them and the fellowship with them was an inspiring thing to me on business visits.

Q. Did you get books on those occasions? A. No, not to my knowledge.

Q. How did you get your books? A. They come to the Attleboro company.

Q. Did you ever hear any discussion about the running of the Bethel Home? A. No, I haven't.

Q. Nobody ever asked any questions about that? A. No.

Q. And the Judge never made any comments about that? A. Not to me personally.



By the Court:

Q. Or while you were there at meals? A. That is correct, sir.

By Mr. Bruchhausen:

Q. Did you know an individual by the name of C. J. Woodworth? A. Yes.

Q. And you know he left there, don't you? A. I didn't know that.

Q. Did you know Mr. MacAulay? A. No.

Q. Do you know what this letter of Mr. Moyle says (showing to witness)? A. I have never seen it.

Q. You never had any letters from Mr. Moyle or anybody on his behalf? A. No.

Q. How many people are there in the locality that you are attached to the Watch Tower or the Jehovah's Witnesses? A. About forty.

Q. And they all receive copies of the "Watch Tower" magazine? A. I assume so.

Q. And you read the article of September 1st? A. Yes.

Q. And the other articles? A. Right.

Q. And you know that the other members of the Watch Tower organization in Massachusetts read them? A. I don't know that.

Q. And when you read the articles, you believed them, didn't you, in the "Watch Tower"? A. After some digesting, yes.

Q. And you took the word of God's organization on earth? A. Will you repeat that, please?

Q. You took the word from God's organization on earth? A. I generally do, yes.

Q. You never disputed that if it is in the "Watch Tower"? A. Not that point.

Q. Not if it is in the "Watch Tower"? A. I compare it with the Word of God.

Q. Your comparison of these articles with the Scriptures convinced you they were right? A. That is right.

Q. Will you tell us how your comparison of this article "Information" calling Mr. Moyle a Judas compared with the Scriptures? A. I think it fits in—

Mr. Covington: I object to that.

The Court: Objection sustained.

Mr. Bruchhausen: That is all.

Mr. Covington: No further questions.

By Mr. Bruchhausen:

Q. Just a minute, I would like to ask you a question: You have been reading the "Watch Tower" for some time, have you not? A. I have.

Q. Do you recall this statement in the "Watch Tower" on February 15, 1939— A. Not unless you mentioned it.

Q. I will read it to you.

Mr. Covington: Submit it to the witness first.

Mr. Bruchhausen: All right.

Mr. Covington: We object to it.

The Court: He is asking him if he read it.

(Paper handed to witness.)

The Witness: This here?

Q. The part that I have checked in pencil.

By the Court:

Q. Do you recall having read that before, sir? A. I don't recall it.



By Mr. Bruchhausen:

Q. Will you just hold that article for a moment and follow it with me. "If"—

Mr. Covington: I object to counsel reading it.

The Court: He was not going to read it.

Mr. Bruchhausen: Yes, I want to ask him if he agrees with this statement in here.

The Court: Objection sustained.

Mr. Bruchhausen: Exception. No further questions.

(Witness excused.)

Mr. Covington: Mr. Clarence Scott.

Mr. Bruchhausen: Your Honor, it seems to me that that question is a question of credibility.

The Court: I have ruled on it.

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CLARENCE SCOTT, Old Town, Maine, a witness, called on behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Scott, how long have you been one of Jehovah's Witnesses?

The Court: Your best guess.

A. I date it from September, 1904, when I became a subscriber of "Watch Tower."

Q. Do you know Joseph F. Rutherford or did



you know him during his lifetime? A. I knew him very well.

Q. Did you ever have occasion to have dealings with him and conversations with him? A. Yes.

Q. Have you ever visited with him in the Bethel Home? A. I have.

Q. Do you recall when you first began visiting the Bethel Home? A. I think my first visit was 1923.

Q. And since 1923 did you continue to have regular visits in Bethel? A. Not regular, but occasionally.

Q. Was there ever any time that you spent considerable time at Bethel over a period of time? A. Yes.

Q. What years was that? A. In the spring of 1929, I believe it was.

Q. And any other years? A. In August, or some part of 1930.

By the Court:

Q. How long a time did you spend there then? A. In August, 1930, it was very brief. It was for a special consultation with Judge Rutherford.

By Mr. Covington:

Q. How many days? A. I might have been there a couple of days.

By the Court:

Q. And in 1929 how long? A. I was there between ten days and two weeks.



By Mr. Covington:

Q. Have you made occasional one day visits there and eaten meals in Bethel on exceptional occasions? A. Yes.

Q. How frequently would you go there outside of the times that you have mentioned for these prolonged visits? A. Not for a long time. I might have driven down from some point in Connecticut where we were handling cases and just for the day.

Q. Based on your experience and dealings with Judge Rutherford, could you tell whether or not he was a man of kindly disposition? A. Very kindly and very fatherly in his treatment of his brethren.

Q. Have you been at the table when he has presided at the table? A. I have.

Q. Have you ever noticed any disposition of his to curtail speech at the table? A. Not at all.

Q. Have you ever heard any filthy or dirty language used at the table? A. Never at the table, nor in the rooms.

Q. Have you ever noticed any glorification of liquor and alcohol at the table? A. Never.

Q. Have you noticed the general attitude of the Family while at the table when Judge Rutherford was present on the occasions when you have been there with reference to speech? A. Very kindly and one to another showed a proper Christian spirit, one to another.

Q. And what subjects were usually discussed? A. I didn't get that.

Q. What subjects were usually discussed at



the table? A. In the morning they would have the Scriptures following a brief prayer for the day, and then that would be discussed by different members of the Family, all who want to take part, during the progress of the meal. And the other meals, there were opportunities for questions and discussion of matters of interest.

Q. You received some printed letters from Mr. Moyle, didn't you? A. I did.

Q. That was during the year 1940? A. I believe it was 1940 or the latter part of 1939.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You have handled cases for Jehovah's Witnesses in Maine, have you? A. I have.

Q. And were you paid for it? A. How is that?

Q. Were you paid for it? A. Was I paid for it?

Q. For doing it? A. No.

Q. Did you get your expenses paid? A. Sometimes.

Q. And do you handle legal matters for members of Jehovah's Witnesses? A. I have.

Q. And have for how many years? A. I think my first work was to prepare one of the early briefs covering Constitutional liberties, and that must have been shortly after Judge Rutherford became president.

Q. So from time to time you have talked to Mr. Rutherford about the details of these cases, have you not? A. I did.

Q. Wasn't that one of the reasons for your coming to Brooklyn? A. Sometimes, yes.



Q. Are your expenses being paid from Maine on this occasion? A. To be paid?

By the Court:

Q. Are you being reimbursed for your expenses coming down here for the trial? A. Probably.

By Mr. Bruchhausen:

Q. How many Jehovah's Witnesses are there up there in your locality? A. Our local company is very small, but at Bangor, 13 miles away, they have a company varying from 30 to 60 members.

Q. And you never saw Mr. Moyle's letter until around 1940, is that correct? A. That is probably correct, whatever date is stamped on the material.

Q. And before you ever saw Mr. Moyle's letter, you saw these articles in the "Watch Tower" magazine, did you not? A. I did.

Q. The one of September 1, 1939, and October and November, 1939? A. That is right.

Q. And you believed those statements made in the "Watch Tower," did you not? A. I did, after due consideration.

Q. After reading the articles? A. After reading them and due consideration.

Q. Were you there at Bethel between 1935 and 1939? A. I don't think so.

Q. Did you know—

By the Court:

Q. Your best recollection is you were not there between those dates? A. That is my best recollection.

By Mr. Bruchhausen:

Q. And you never heard any suggestions made by anyone on the management of Bethel, did you? A. What is that?—

The Court: At the times that you were there.

The Witness: Any suggestions?

Q. The discussions you heard were on the Scriptures, weren't they, and on delivery of literature? A. Generally on the discussions of the Bible and other matters of interest.

Q. Do you take part in publishing? A. I do.

Q. And also get commissions on it? A. No, I pay more than any contributions that are received.

Q. You do receive commissions, do you not? A. No.

Q. You don't receive any commissions on it? A. No.

Q. You believe also that it is God's organization on earth? A. I do.

Q. And that it is the only one? A. That is right.

Q. And that Mr. Rutherford was God's representative? A. He was His Servant, as others are.

Q. Were all members of Jehovah's Witnesses servants? A. That is right.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)



CHARLES R. HESSLER, 1166 Clague Road, Cleveland, Ohio, a witness called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Hessler, how long have you been one of Jehovah's Witnesses, please? A. Since 1917.

Q. And what is your secular occupation at the present time? A. Well, I am an Ordained Minister engaged in preaching the Gospel.

Q. And then do you have any other occupation? A. Yes, I am in the printing business, too.

Q. The printing business is located in what town? A. Cleveland.

Q. Have you ever served the Watch Tower Bible & Tract Society as full-time Minister? A. Yes, I have.

Q. In what capacity have you served the Society in that regard? A. As company servant and also as zone servant.

Q. In what places? A. I served in Paterson, New Jersey, as a company servant, and in Pittsburgh, Pennsylvania, as a company servant, and zone servant, and in Ohio as a zone servant.

Q. During the year 1939, July and August, where were you located? A. In Pittsburgh, Pennsylvania.

Q. Have you ever known a man by the name of O. R. Moyle, the plaintiff in this action? A. Yes, I have.

Q. When and how did you become acquainted with him? A. I met him in Washington, D.C., in 1935, at a convention of Jehovah's Witnesses.

Q. And after your becoming acquainted with



Mr. Moyle, did your association with him become closer? A. Yes, it did. I was in contact with him very frequently in New Jersey and later on in Pittsburgh, Pennsylvania.

Q. As a result of what? A. Because of the numerous arrests that occurred in Northern New Jersey of Jehovah's Witnesses, as they went from home to home, from house to house, preaching the Gospel of God's Kingdom.

Q. Did you have anything to do with the arranging with Mr. Moyle for the handling of any of those cases? A. Yes. In New Jersey—

The Court: The answer is yes.

Q. And did you also have anything to do with him in that regard in Pennsylvania? A. In Pittsburgh also.

Q. Do you know whether or not you have seen that letter (handing to witness)? A. Yes, I have.

Q. When did you see that letter the first time, please? A. Shortly after it was written.

Q. And what did you do with it after you received it?

Mr. Bruchhausen: Is this a letter in evidence?

Mr. Covington: Yes.

The Court: What is the exhibit number?

The Witness: Exhibit D-8.

Q. That is a letter addressed to Mr. Chambers, is it not? A. That is right.

Q. Where did Mr. Chambers live? A. In Pittsburgh, Pennsylvania.



Q. And you noticed the contents of that letter, did you not? A. Yes, I am very well acquainted with it.

Q. Was that the first that you had learned that Mr. Moyle was quitting the Society? A. Well, Mr. Chambers wrote—

The Court: Was that the first?

Q. When you saw the letter? A. No.

Q. When was the first that you learned of it? A. One or two days before I saw the letter.

Q. Yes. A. Mr. Chambers wrote to me and told me that he had received this letter and he was very much disturbed about it.

Q. And then did you obtain possession of the letter? A. The letter requested that Mr. Chambers—

Q. Pursuant to the request in the letter, did you receive it and get possession of the letter? A. Mr. Chambers gave me the letter.

Q. Mr. Hessler, when you read the contents of the letter, what effect, if any, did it have upon your mind as to Mr. Moyle's conduct? A. As a matter of fact, I was very much shocked, in fact I was heart-sick when I learned that Mr. Moyle, whom I had been associated with in Christian activity, had taken a course of action that would not only lead to his own destruction, but he was seeking—

Mr. Bruchhausen: I object to his conclusions.

The Court: Objection sustained. If you will listen to the question, we will go ahead faster.



Mr. Bruchhausen: I move to strike out the answer.

Q. What effect did it have upon your mind in regard to the course of action Mr. Moyle had taken? A. I was shocked to think that he had taken such a course of action and that he was—

Mr. Bruchhausen: I object to any long explanation about it.

The Court: Objection sustained.

Q. At that time was Mr. Moyle handling any cases for any of the brethren in and around Pittsburgh? A. Yes, there were cases pending involving some 207 of Jehovah's Witnesses.

Q. And who was counsel in those cases for those brethren? A. Mr. Moyle.

By the Court:

Q. Did you have any local counsel? A. To introduce Mr. Moyle when he came to Pittsburgh.

By Mr. Covington:

Q. Were you there on the occasions that Mr. Moyle called at Pittsburgh to appear in these cases and act as counsel? A. Yes.

Q. Who took the lead in such cases? A. Mr. Moyle tried all the cases. The local counsel introduced him.

Q. Did you note the contents of that letter with reference to charges concerning the conditions at Bethel and the conduct of Judge Rutherford? A. Mr. Moyle sent me a printed copy later on.



Q. But in the letter in question there, did you notice the charges made in that letter concerning the conditions at Bethel and the conduct of Judge Rutherford? A. In this letter here (indicating)?

The Court: Defendants' Exhibit D-8.

The Witness: Will you kindly repeat the question.

By the Court:

Q. Did you read the contents of the letter? A. Yes.

By Mr. Covington:

Q. And did you notice the charges made there? A. Yes.

Q. During the years that you had been acquainted with the Watch Tower Bible & Tract Society, and Judge Rutherford, did you ever pay any visits to the Bethel Home? A. Yes, I have.

Q. Beginning when? A. About 1919.

Q. Extending up to when? A. Continuing right on up until the present time.

Q. When you were in New Jersey, did you make frequent or infrequent visits to Bethel? A. I made frequent visits to Bethel.

Q. Did you ever visit Mr. Moyle at Bethel? A. Yes, I have.

Q. Have you visited Judge Rutherford at Bethel? A. Yes, I have.

Q. Have you visited other of the brethren at Bethel? A. Yes, I have.

Q. During the years 1935 to 1939, how frequently did you visit in the Bethel Home? A. Between the years 1935 and 1939?

Q. Yes? A. I was located in Pittsburgh—

The Court: You were not asked where you were located. You were asked—

A. (Continued)—between two and three times a year, possibly in 1936 and 1937, four times a year.

Q. And when you were in New Jersey, how frequently did you pay visits? A. Several times a month.

Q. And when did you leave Jersey? A. In 1936, January.

Q. From the time you began your first visits, until 1936, did you visit Bethel frequently? A. In 1936?

Q. Yes? A. In 1936 and 1937 I visited it probably four or five times a year; since that time possibly three or four.

Q. And before 1936 and 1937, when you were in New Jersey, did you make more frequent visits? A. Yes.

Q. About how much, on the average? A. I would be there several times a month.

Q. Have you ever eaten at the Bethel table? A. Yes, I have.

Q. Have you been there at any time when Judge Rutherford presided at the head of the table? A. Yes, I have.

Q. Have you ever had occasion to observe the character of Judge Rutherford and his conduct at the head of the table? A. I have.

Q. Have you seen him dealing with his brethren? A. Yes, I have.

Q. Have you had occasion to talk with him in reference to suggestions concerning the service and other activities? A. Yes, I have.



Q. Based upon your observation and experience with Judge Rutherford, could you tell the character of the man he was in reference to dealing with his brethren? A. He was a very lovable character, and he dealt with his brethren, the younger brethren, particularly, as a father would a son.

Q. Did you find him to be arbitrary in considering suggestions that you might make in the dealings that you had? A. I never found him such.

Q. Did you ever hear him render ill treatment and violent table trimmings to his brethren because they might exercise speech or make suggestions at the table? A. No, I have not.

Q. What have you noticed in reference to his conduct at the head of the table? A. At the head of the Family, he acted like the head of a family, and conducted the meals in a very orderly and Christianlike manner.

Q. Did he ever call for comments or questions at the table? A. In the morning a Scripture text was read and he would ask for any questions on the text, and then he would ask for comments on the text, and then after giving everyone an opportunity to speak who desired to speak, he would sum up.

Q. Have you ever heard any filthy or vulgar language used at the table there? A. No.

Q. Have you ever noticed alcohol or the use of it glorified at the table? A. No, I have not.

Q. Have you ever noticed the use of alcohol glorified in the Bethel Family at any time? A. No, I have not.

Q. Do you know what the standing of Jehovah's Witnesses—that is, the standing of the Bethel Family among Jehovah's Witnesses in the congregations that you have visited and served as company servant and zone servant is? A. They look upon the Bethel Family as an example of Christian living and unity of action and wholehearted devotion to Christian service.



Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You mentioned these places in Pennsylvania, and in that connection, Mr. Hessler, I call your attention to this letter, Defendants' Exhibit D-8, which you have referred to, and particularly this part of it:

"Just how much of a part I will still have in handling the cases for the brethren depends on the Judge. I gave him a list of the major cases pending and told him I could and would handle most of them if he so desired."

Did you get impressions from that statement that Mr. Moyle was not going to help to handle cases? A. The following paragraph shows that he was unqualified to continue to handle them. He mentions the fact—

Q. You are referring to this:

"He"—meaning Rutherford—"may be so overheated that he will say nothing doing as to any of the cases"? A. Read on a little more.

Q. You said the next sentence. A. Another one.

Q. "If he does, he is going to have one heck of a job straightening things out." A. Yes. That showed that he had ceased to follow a



Christian course and was unqualified to serve at all.

Q. Didn't Mr. Moyle indicate that he had at least offered to handle the cases? A. Yes—

Q. Did he or did he not? A. He indicated that he was willing to handle the cases but also—

Q. There is no indication in there that he wasn't going to handle the cases if he was asked to handle them? A. No, there was not.

Q. That is an assumption on your part, isn't it? A. Not an assumption on my part.

Q. Isn't it that you are so anxious to help Jehovah's Witnesses that you want to give this Court and jury the impression that Moyle wouldn't handle those cases? A. No. I am trying to state that he disqualified himself from handling them.

Q. And your statement is because of your interpretation of that letter? A. No, I am not. I am stating that Moyle disqualified himself to handle the cases by the course of the action that he took.

Q. But he offered to handle them, did he not? A. But he disqualified himself.

The Court: Wait a minute. Did he?

The Witness: Yes, he did.

Q. Did you ever read Mr. Moyle's letter to Mr. Rutherford? A. Yes, I did.

Q. I call your attention to this: "With this letter I am enclosing a statement of the major cases now pending in which I am actively participating. It would be unreasonable and unfair to drop these matters into your lap without further assistance or consideration. I am ready



and willing to press these issues in the courts just as vigorously and carefully as though I remained at Bethel and will do so if that is your desire." Did you ever hear that statement before? A. Yes, I read it.

Q. Then you know from both of these letters that Mr. Moyle had offered to Mr. Rutherford to handle these cases, don't you? A. Yes, but I stated—

Q. Yes or no? A. I heard that, I read that—that he—

Q. Yes or no, Mr. Witness?

Mr. Covington: The point is—

The Court: You will have a chance to interrogate him later on if you want to.

Mr. Covington: The question assumes a fact not in evidence and that is that the first letter did not indicate that willingness to handle those cases. The second letter the man received in 1940, which was a year later.

The Court: The first letter does indicate.

Mr. Covington: Yes.

Mr. Bruchhausen: Both of them are in the same month.

The Court: No comments. Next question.

Q. Now, what was the name of local counsel who was attorney of record in those cases? A. At that time there were several that had been handling cases and we had a young man there at that time by the name of Louik.

Q. There were plenty of lawyers in Pitts-



burgh? A. Yes, but not very many capable of handling those cases. They weren't acquainted with them.

Q. You knew Mr. Moyle had cases in many states of the Union? A. Yes, Mr. Moyle had had personal contact in all of these cases and most of them were pending on appeal, and should have had his personal attention.

Q. Do you know that he offered to give them his personal attention? A. But he became disqualified.

Q. Do you know that he offered to give it? A. But he became disqualified.

The Court: I won't tell you again.

The Witness: I understand that.

Q. You are very anxious to have us hear your statement that he disqualified himself. You are very anxious, aren't you? A. Well, it is very important that that be brought out.

The Court: Wait a minute. Read that answer.

(The foregoing answer was thereupon repeated by the Court Reporter.)

The Court: After this, the lawyer for the defendants will very adequately take care of the defendants' case. You will please answer questions and don't worry or be concerned with what is to be brought out in this case.

Q. Tell us how he disqualified himself? A. Well, he had made a covenant to do the Will of Almighty God. He had been placed in a very confidential relationship with God's organization

on the earth. When he wrote the letter to Judge Rutherford he stepped out of his sphere as a counsel and into one in which he had no right to, and in criticizing his brethren, bringing forth charges, became a murmurer and complainer, and he automatically disqualified himself. In resigning, he took the position that "they went out from amongst us, because they were not of us."

Q. In other words, by writing a letter he disqualified himself? A. Yes, his course of action.

Q. Just by writing the letter he disqualified himself? A. By writing that type of letter.

Mr. Covington: I object to that because it doesn't contain the entire answer.

The Court: He said by writing that type of letter.

Q. That is the kind of letter.

The Court: That kind of letter.

Q. He disqualified himself? A. I would like to add to—

Q. Let me ask you this: You preach the doctrines of Jehovah's Witnesses, don't you? A. Yes.

Q. And you preach free speech, don't you? A. Yes, sir.

Q. That is if anyone is at liberty to say to the world or anybody else what their opinions are on all sorts of subjects, don't you? A. Yes, sir,

Q. Is there any limitation that you give in your preachings as to when and how that speech shall be curbed? A. Yes. When one becomes a Christian they are subject to the rulings and



regulations that govern Christian organizations, subject to the higher powers, Jehovah and Christ Jesus.

Q. And those rules and regulations are made by God's organization on earth? A. Made by Jehovah and Christ Jesus.

Q. But they are put into printed form by the Watch Tower, aren't they? A. The Watch Tower Bible & Tract Society is the agent or Society that Almighty God is using at this time to assist his people on the earth.

Q. So that whenever it comes out in the "Watch Tower" why it has got to be accepted and you can't complain about it? A. It is accepted by Christians, yes.

Q. And you can't complain about it? A. You can, if you desire to become a complainer, you can complain.

Q. And as soon as you complain about it you become a murmurer? A. You become a complainer and murmurer, yes.

The Court: You mean you can complain about it, but you may not; is that what you mean?

The Witness: You can if you desire to.

The Court: And if you desire to, what happens?

The Witness: If you become a complainer and murmurer, a Christian, if things come out in the "Watch Tower" that is not according to their way of thinking, a Christian will wait upon the Lord and in his own due time he will correct it.



Q. So the first complaint you make about anything in the "Watch Tower" means you are a murmurer?

The Court: He said complainer.

Q. Or a complainer, is that it? A. If you want to complain—

Q. Are you a complainer if you complain about anything in the "Watch Tower"? A. It all depends on what that is.

Q. Can you give us any definition of complainer. A. Yes, one who is complaining about something about which they have no business to complain of.

Q. Who determines as to whether or not it is your business to complain?

The Court: This is a serious matter to these litigants, to the Court and to the jury and to these lawyers. There will be no laughing or frivolity in this courtroom.

Q. And who determines as to whether it is the kind of a thing that you can complain about? A. It depends upon the setting. We are admonished by the Scriptures not to busy-body in other men's affairs. A person in a Christian organization is given an assigned duty. He should confine himself to those duties, to those activities.

Q. So would you say then that under the doctrines of the "Watch Tower" that one of the Witnesses has no right to register a formal complaint with Mr. Rutherford, or had no



right? A. I didn't state that at all. I stated, if you want me to tell you—

The Court: No.

Q. Do I understand you can write a letter? A. Yes, sir.

Q. But you can't write a letter containing a complaint? A. It all depends on what the situation is.

Q. Suppose you write a letter complaining about the scoldings by Mr. Rutherford of people in the Bethel Home? A. Do you want me to answer that?

Q. Is that a complaint or isn't it, in your definition? A. It all depends upon the setting. I will be glad to answer it.

Q. Do you mean whether the letter is delivered to the Watch Tower office or outside? A. For instance, if Mr. Moyle as counsel had been requested by the organization which he was associated with to write such a letter, then it would be proper for him to have made an investigation and written that letter.

The Court: As long as he didn't have the authority he had no right to write it, in your judgment?

The Witness: Yes, sir.

Q. In other words, he had no right to write it voluntarily? A. No.

Q. And he had no right to complain voluntarily until someone asked him to? A. No concern of his.

Q. How many people are there in this area in Pittsburgh—

The Court: He is in Cleveland now.



Q. —in Cleveland, that you are associated with? A. Some 2,500.

Q. And you never saw Mr. Moyle's letter, did you? A. Yes, sir.

Q. When did you see it? A. When he mailed me a copy.

Q. When was that? A. When he had them printed.

Q. That was in 1940? A. Sometime in that time.

Q. But up to 1940 you had never seen it? A. No.

Q. And you had been around all these various zones in Ohio? A. That is right.

Q. Visiting groups which amounted to about 2,500 people? A. That is right.

Q. And there is nothing that you saw among any of those people that had come from or on behalf of Mr. Moyle up until 1940? A. No, I didn't come in contact with them.

Q. But in the meantime the "Watch Tower" magazine contained these articles of September 1st, on unfaithfulness, October 15th on "Information", November 15th, on "Information", and a number of letters from time to time of resolutions or declarations mentioning Moyle's name, isn't that right? A. That is right.

Q. And you read them all? A. Yes.

Q. And you know a great many people in that area read them? A. That is right.

Q. And you and they accepted them because they came from God's organization on earth? A. That is right.

Q. Didn't question them at all? A. No, we didn't.

Mr. Bruchhausen: That is all.



*Redirect examination by Mr. Covington:*

Q. In reaching your conclusion that Mr. Moyle had disqualified himself from acting in these cases, did you take into consideration the falsity of the charges that he made against the organization in determining that? A. I did.

Q. Did you know that they were false? A. I did.

Q. Does a Christian believe it is his duty and right to make false charges against the organization with which he is associated? A. No, he does not.

*Recross examination by Mr. Bruchhausen:*

Q. Let us ask you a question on that. How many times were you there in 1939? A. In 1939, possibly two or three times.

Q. Don't you know? A. Not exactly, no.

Q. Are you sure you were there in 1939? A. Yes, I was there.

Q. How many times in 1938 were you there? A. Possibly several times; maybe more than that.

Q. Did you go over to Adams Street, the sending office? A. Yes.

Q. For books? A. No.

Q. Didn't you spend most of your time over there? A. No. I spent most of it with Bethel.

Q. And did you know Mr. MacAulay? A. I wasn't very well acquainted with him. I knew who he was. I would know him if I saw him.

Q. Do you know that Mr. MacAulay made a criticism of Watch Tower study? A. I don't know as I have.

Q. Did you ever investigate that? A. No.

Mr. Covington: That is immaterial.

The Court: He said no.

Q. That is one of the charges in the letter, isn't it? A. I read that but I don't know, I wasn't personally acquainted with the complaint that he made.

Q. You didn't make any investigation? A. No.

Q. But yet you say it is false without making any investigation, is that correct? A. I said I didn't know the facts concerning that McCauley up there.

Q. Whether you know the facts or not it is false? A. Yes, sir.

Q. It is false because the Watch Tower organization has said it is false, is that right? A. That is right.

Q. And did you know anything about this Madison Square Garden matter? A. Well, I was there.

Q. Did you know anything about the court case of Madison Square Garden? A. No, I didn't.

Q. And yet you believe this article in November, 1939, about Mr. Moyle not properly representing Jehovah's Witnesses? A. Yes, I did.

Q. And you did investigate that, did you? A. No, I didn't.

Q. You didn't ask anybody about it? A. Well, I knew, I was acquainted—

The Court: Did you ask anybody about it?

The Witness: No.



Q. So you took your statement on that from the "Watch Tower" magazine? A. Yes, I did.

Q. And accepted it because it was God's organization on earth? A. Yes, sir.

Q. So you accepted every one of those statements in those articles on the basis that it was from the "Watch Tower" and was God's organization on earth? A. That and my knowledge of the course that Moyle took, which was not Scriptural.

Q. Because he wrote a letter, is that it? A. Because of the action that he took.

The Court: Because he wrote that kind of letter?

The Witness: Because he wrote that kind of letter.

(Witness excused.)

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FRED W. FRANZ, residing at 124 Columbia Heights, Brooklyn, New York, a witness called on behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation, please? A. I am an Ordained Minister of the Gospel and contributing my services,—

The Court: You were just asked your occupation.

A. —to the Watch Tower Bible & Tract Society.

Q. In what capacity do you serve the Watch Tower Bible & Tract Society? A. I serve at



whatever duties they assign to me. At the present time I am serving in the capacity of Editorial Proof Reader.

Q. And in 1939, what was your capacity? A. It was the same, including going out in service as a Zone Servant, visiting the companies, delivering addresses, and supervising the field service work.

Q. And in 1940, 1941 and 1942, what capacity did you serve in the field? A. I also served as a representative of the Society going out visiting the companies and examining the service standing of the various companies, straightening out matters, acting as sort of auditor of the Society and lending the friends in the field service. I am a servant to the brethren, as they call it.

Q. How long have you been a member of the Bethel Family? A. Since June, 1920.

Q. How long have you been connected with the Watch Tower Bible & Tract Society and Jehovah's Witnesses? A. I first began to study the publications in the spring of 1913 and in 1914 became a full time Pioneer of the Society, distributing its literature from house to house.

Q. And have you worked at the Headquarters ever since you joined the Bethel Family? A. I have.

Q. Are you familiar with most all of the publications of the Watch Tower Bible & Tract Society? A. Yes.

Q. Have you proofread many of those publications during your time there? A. Since the year—

The Court: Have you proofread many of those publications, is the question.

The Witness: Yes.



Q. About how many, if you know, please? A. Since the—

The Court: How many, that is the question.

Q. What was the first book that you proofread, if you remember? A. The book "Creation."

Q. And have you been a proofreader of the Watch Tower since that year? A. Yes, sir.

Q. Was—What year was it that you began proofreading the "Watch Tower"? A. 1927.

Q. Much has been mentioned in the record as to Jehovah's Witnesses. I should like to have you state for the benefit of the Court and jury who Jehovah's Witnesses are and their history and purpose of being on earth today. A. The insertion "Jehovah's Witnesses" occurs in Isaiah's Prophesy, the 43rd Chapter 10th and 12th verses, where Jehovah says, "Ye are my witnesses, sayeth Jehovah, and my servants that ye may know and believe and understand me that I am He." And the 21st verse, He says, "This people I have formed for myself. They shall show forth my praise." The Apostle Paul in Hebrews, the 11th Chapter and the 12th Chapter refers to Jehovah's Witnesses, as their origin. He points out that Jehovah's Witnesses began with the first martyr named Abel. Abel became one of Jehovah's Witnesses because of the course of conduct of his parents, Adam and Eve. God placed Adam and Eve in the Garden of Eden as His earthly representatives to do His Will. He gave to them a mandate as to their duties on earth, His Will concerning them. The Bible then shows that Satan entered in upon the scene and misrepresented God's name, held God up as a liar, as an



oppressor, as withholding the just dues from the first man and woman, and by presenting this to the attention of Eve, he deceived Eve, slandering God, and thus he led Eve to violate the commandments of God, and through Eve he induced her husband, Adam, to break the commandments of God. This brought great reproach upon the name of Jehovah, God, and the Scriptures show that Satan there challenged God to place a man on earth who would remain true and faithful to Him and continue in God's organization under stress and under persecution at the hands of the Devil. So God immediately began to raise up witnesses to serve to His Honor and praise of His Name and for the vindication of his name. The Apostle Paul confirms these Scriptures of the Old Testament that Abel was the first such witness, and in the 11th Chapter of Hebrews He runs through the continuous line of Jehovah's Witnesses from that day through men like Noah, Enoch, Abraham, Isaac, Jacob, Moses, and so on, all the way through to John The Baptist who preceded the Lord Jesus Christ and was his forerunner.

Mr. Bruchhausen: This is quite a description. I thought we were going to get a concise definition.

The Court: I was waiting for an interruption. I see no purpose to this. I don't mind him giving a short description of Jehovah's Witnesses, but I am not here to listen to a study of the Bible and I don't think the jury is.

Mr. Covington: That has been injected into the case. Many of these doctrines have been criticized and this is offered for



the purpose of letting the jury know who Jehovah's Witnesses are.

The Court: I don't have any objection to him giving a short statement of Jehovah's Witnesses and who they are, but I do have an objection to him giving a discourse that appears to go on for a length of time. If you want him to give a short description of Jehovah's Witnesses and who they are, that is perfectly all right.

Q. Since the days of Christ Jesus have there been Jehovah's Witnesses upon the earth? A. Yes, Jesus is Jehovah's' Witness—

The Court: Your answer is yes.

Q. Who was the first or the main and chief witness for Jehovah God? A. Christ Jesus, according to Isaiah, 55:4. "I have given Him for a Witness."

Q. And since that day have there been other Jehovah's Witnesses upon the earth? A. Yes. All his footstep followers, members of the Body of Christ, are likewise Jehovah's Witnesses.

Q. Were the apostles that followed Christ Jesus Jehovah's Witnesses? A. They were.

Q. Are Jehovah's Witnesses commanded to follow in the footsteps of Christ Jesus? A. Peter said that he left us an example,—

The Court: You were asked a very simple question.

Mr. Bruchhausen: I object to these lengthy explanations.

The Court: Yes, answer the question.

Q. What Scriptural authority did Jehovah's

Witnesses have for following in the footsteps of Christ Jesus? A. First, Peter, 2:21, that Christ Jesus suffered for us, leaving us an example that we should follow his steps.

Q. And what is the primary endeavor of all of Jehovah's Witnesses?

Mr. Bruchhausen: I object to all this, if your Honor please.

The Court: I will permit him to say what the primary purpose is so the jury may have it.

A. To bear witness to Jehovah's Name and what that Name stands for, His Purpose.

Q. And what is the chief purpose of Jehovah God as advocated by Jehovah's Witnesses today? A. To establish His Righteous Theocratic Government over the earth by which Government He will vindicate His Name and bring blessings to all obedient men of good will on earth.

Q. Does Christ Jesus have any connection with that righteous Government? A. He is the King of that Government, Jehovah's Anointed King.

Q. Did Jehovah's Witnesses that—advocate that that Government is to be established in the earth in due time? A. Yes.

Q. Will you explain when and how. A. The Scriptures show that Jehovah God is the one who establishes that Government. It is a Heavenly Government. He is appointing the time for it to be established, namely, at the end of the time of the Gentiles in 1914.

Q. And since that time what time are we in now? A. We are living in the time of the End.

Q. And what period of time is that pictured or covered?



The Court: I don't see how this is all relevant.

Mr. Covington: I will show the materiality.

The Court: Then suppose you prove it. This man is not from out of town. He has been sitting here—

Mr. Covington: He is one of the defendants.

The Court: You can call him later if the purpose is to be established, but not right now.

Q. State whether or not Jehovah's Witnesses are Ordained Ministers. A. They are Ordained Ministers.

Q. What are they Ordained for and how are Jehovah's Witnesses Ordained? A. They are Ordained by reason of fulfilling the requirements of God, which is to believe on Him as the only true and Everliving God, to believe that Christ Jesus is His Anointed One and the Appointed Saviour through whom mankind gains Salvation. Then on the basis of that belief the individual recognizes that he has no right to himself and he consecrates himself to God to be fully the Lord's and to do God's Will. Then God accepts this Consecrated individual through the Lord Jesus Christ and justifies himself because of His Faith and Consecration and begets him of His Spirit to become a Spiritual Son of God and then he anoints with his Spirit and by virtue of that anointing he is an Ordained Minister of God as stated in Isaiah 61:1: "The Spirit of the Lord God is upon me because He hath anoint-



ed me to preach good tidings unto the meek, to bind up the broken-hearted, to proclaim liberty to the captives, to comfort all that mourn."

Mr. Bruchhausen: Can't we have this more brief?

The Court: I would love to.

Mr. Bruchhausen: It is rather confusing.

Q. What is the connection between the Watch Tower Bible & Tract Society and Jehovah's Witnesses, and in that connection give the history of the Watch Tower Bible & Tract Society.

The Court: I will sustain an objection to it. I don't see how it is an issue. I don't see how it is an issue here.

Mr. Covington: We offer that on the question of privilege, to show the relationship between the corporate societies.

The Court: I think you are right there. I will let him state briefly the relationship between Jehovah's Witnesses and the Watch Tower Bible & Tract Society. State briefly what the connection is between them.

Mr. Covington: I would like to ask first for a history—

Mr. Bruchhausen: May I ask the Court to ask the witness to give us a brief statement rather than a dissertation on this.

The Court: We will hear the statement first.

Mr. Covington: Let's wait until we hear it before you judge the matter.



Q. What is the history of the Watch Tower Bible & Tract Society? A. In 1800—

The Court: That is not any matter of privilege. The question is the connection between Jehovah's Witnesses and the Watch Tower Bible & Tract Society.

Mr. Covington: There must be a beginning. It won't take but a moment, so the jury can see the picture.

The Court: I want to give you every reasonable opportunity, but I don't want to tire the jury, and we have been very patient, I think you will all agree. So make it brief and I will take it.

A. The Watch Tower Bible & Tract Society, the Pennsylvania corporation, is a legal organization, which was chartered in 1884. It was organized in order to carry on the business of these Christians.

Q. And the agency of Jehovah's Witnesses? A. It is.

Q. And is it operated in an orderly and businesslike fashion?

Mr. Bruchhausen: I object to that as calling for a conclusion.

The Court: That calls for his conclusion.

Mr. Covington: Yes, I think so.

Q. Tell whether or not it has a board of directors, the Pennsylvania Corporation. A. Yes, it has a board of seven directors.

Q. Do you know how frequently the officers of the Pennsylvania corporation—



The Court: Aren't you going to have some of the directors?

Mr. Covington: He is a director.

The Court: You are one of the directors of the Pennsylvania corporation?

The Witness: No, the New York corporation.

The Court: Are you going to have any of them?

Mr. Covington: Yes.

The Court: Why not ask them?

Mr. Covington: I thought we could take it at one time and probably save time, if Mr. Franz knows this.

The Court: Of course, it is not competent if there is any objection. As long as you are going to have the Pennsylvania men here, but if there is no objection I will take it.

Mr. Bruchhausen: I submit the articles of incorporation are in evidence here, unless there is something in addition to the articles of incorporation.

The Court: Suppose you wait and ask one of the Pennsylvania directors.

Mr. Covington: I will do so.

Q. When did the Watch Tower Bible & Tract Society of Pennsylvania move to New York? A. In 1909.

Q. And since that time has the Watch Tower Bible & Tract Society of Pennsylvania and New York had its main office in Brooklyn? A. Yes, sir.

Q. What is the connection between the Watch Tower Bible & Tract Society of Pennsylvania



and the Watch Tower Bible & Tract Society, Inc., of New York? A. The New York corporation acts as an agent of the Pennsylvania corporation in this state.

Q. And it is a membership corporation, is it not? A. Yes.

Q. And you are a member and one of the board of directors, is that correct? A. Yes.

Q. What is the connection between the two Societies and Jehovah's Witnesses? A. They constitute the governing body of Jehovah's Witnesses.

Q. And what primary purpose did Jehovah's Witnesses use the Watch Tower for? A. They use it as the governing body, to direct the work throughout the entire earth, to supervise the companies, their service activities, to issue instructions to them and to print all the literature which constitutes the Spiritual food of these Christians.

Q. And did Jehovah's Witnesses look to the Watch Tower Bible & Tract Society to provide them with information concerning its ministers?

Mr. Bruchhausen: I object to the form of the question.

The Court: Your objection is good, but won't it shorten it up if you withdraw your objection?

Mr. Bruchhausen: Yes, I withdraw it.

A. Yes.

Q. As to whether or not they are faithful or unfaithful in the performance of their obligations? A. Yes, sir.

Q. And in full harmony with the Society's policies? A. Yes, sir.

Q. Did Jehovah's Witnesses also look to the Watch Tower Bible & Tract Society to enable them to mark those that caused division and offense?

Mr. Bruchhausen: I object to that question.

The Court: Objection sustained.

Mr. Covington: I except.

Q. Are Jehovah's Witnesses a sect or cult? A. They are not.

Q. What distinguishes them from a sect or cult? A. A sect is an organization of people who follow a man as their leader, accept him as their authority and guide. A cult which is an organization which is distinguished by peculiar ceremonies and rituals which ceremonies are based upon the traditions of men and not upon the word of God.

Q. Who are the leaders of Jehovah's Witnesses? A. Jehovah God and Christ Jesus are the leaders, Heavenly.

Q. And do Jehovah God and Christ Jesus have earthly representatives in connection with His earthly organization? A. Yes, sir.

Q. What is the earthly organization of Jehovah God and Christ Jesus? A. It is composed of a body or group of those who are fully devoted to Him by virtue of consecration. They are brought into covenant relationship with Him to do His Will as it is outlined for them in the Bible and they must function together as one organization.

Q. And that Society that you have described, is that distinguished then from the Watch



Tower & Tract Society as a corporate entity? A. The corporate entity acts as a servant of His Body of Christians. The legal corporation might be dissolved by a national government as for instance in German—

The Court: Now, wait a minute. Let us keep Germany out of here.

Mr. Covington: We are showing the distinction between the corporation and the Society.

The Court: Well, I think so far this young man has tried to show a distinction between everything and isn't most of it his own conclusions?

Mr. Covington: No, basing it on knowledge—

The Court: Some of these are his conclusions.

Q. Do Jehovah's Witnesses have any membership roll? A. No, they do not.

Q. What is the distinction between Jehovah's Witnesses and the people of good will? A. Jehovah's Witnesses are those who are devoted to God by their covenant with Him and who obey His Commandments as proclaiming the Gospel of the Kingdom as outlined in Its Word. Whereas, the people of good will constitute congregations to whom Jehovah's Witnesses are sent forth to minister the word of God.

Q. Reference has been made many times to the evil servant, not only in the publications but in the evidence which you have heard. Please explain to the Court and jury who are identified as the evil servant by Jehovah's Witnesses and



the Watch Tower Bible & Tract Society. Give their Scriptural origin as well as the class now on the earth who are known as the evil servant.

The Court: We will take an adjournment until 9:30 o'clock tomorrow morning. Please do not discuss the case.

(Whereupon an adjournment was taken until Wednesday, May 19, 1943, at 9:30 o'clock a. m.)

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Brooklyn, N. Y., May 19, 1943,
9:30 a. m.

(Trial resumed.)

FRED W. FRANZ resumed the stand and testified further as follows:

*Direct examination (continued) by Mr. Covington:*

Q. The last question yesterday, Mr. Franz, is as follows: "Reference has been made many times to the evil servant, not only in the publications but in the evidence which you have heard. Please explain to the Court and jury who are identified as the evil servant by Jehovah's Witnesses and the Watch Tower Bible & Tract Society. Give their Scriptural origin as well as the class now on the earth who are known as the evil servant". A. The expression "evil servant" occurs in Christ's prophesy on the end of the world. After detailing various sins marking that period of time, nation rising against nation and kingdom against kingdom, and



preaching the Gospel of the Kingdom, then he mentions His evil servant, their contrast with the faithful and wise servant. He points out that this servant was in the Lord's employ and that he became indifferent to the Lord's coming, became selfish, began to smite his fellow servants, and to eat and drink with the drunken. Then the Lord comes upon him—

Mr. Bruchhausen: I don't think we should have a recitation of the Bible when a question is asked as to a definition.

The Court: Will you please make your answer as short as is possible. The Scriptural origin of evil servant which Mr. Covington asked you, I think you have given. Will you tell us as far as Jehovah's Witnesses what the evil servant is so the jury may have it.

The Witness: Yes.

The Court: Answer in the modern day's fulfillment who are known as the evil servant, and give us as full an answer as possible, by Jehovah's Witnesses.

The Witness: That is a class, not an individual person. This class is composed of those men and women who were once associated with the Watch Tower Bible & Tract Society as the faithful and wise servants, and who became disgruntled and who severed their connections therewith. In 1917, this movement began and these individuals went out, particularly the leaders like Mr. Hirsh—

The Court: You weren't asked about leaders' names.



Q. I would like, however, to ask that question definitely because I will bring it in later.

The Court: But please ask him to respond to your question. You didn't ask for any names. You were asked who by Jehovah's Witnesses are regarded as the evil servant class.

Q. Continue, omitting the names. A. They went out and established independent organizations called Pastoral Bible—

The Court: We will leave the names out. You mean those that formerly were members of Jehovah's Witnesses who left, is that what you mean by the evil servant class, so the jury understands it?

The Witness: Yes, sir.

Q. And are they organized together in groups to oppose the Watch Tower Bible & Tract Society? A. They are.

The Court: Are all evil servants in groups opposing the Watch Tower Bible & Tract Society?

The Witness: Yes, sir.

The Court: So an individual can't be an evil servant, as I understand it.

The Witness: The prophesy does not apply—

The Court: I am asking you what is the fact so far as Jehovah's Witnesses. It has to be a group, is that right?

The Witness: Yes, sir.

Q. And do individuals or have individuals



abandoned the Watch Tower Bible & Tract Society and allied themselves with groups? A. They become a part of the evil servant.

Q. And those that do leave the Watch Tower Bible & Tract Society and turn to this group that oppose are known as the evil servant, is that right? A. Yes, sir.

Q. What are some of the practices known to you that the evil servants indulge in today in opposition to the Watch Tower Bible & Tract Society?

Mr. Bruchhausen: I object to it as not relevant here. I don't know how it is binding on us.

The Court: It isn't binding, but I am going to permit it so the jury understands it fully. This is merely for the information of the jury.

Mr. Covington: So the jury can have an appreciation of who we mean by evil servant.

The Court: Yes, just for that purpose.

The Witness: They carry on their own independent publishing work which they have a right to do—

The Court: Now, please, don't. It is not for you or counsel or even me to say who has the right to do what. Please just answer the question.

Q. And they make assaults— A. They make assaults upon those associated with the Society, and also they send literature to try to wean away those who are associated with the Society from it.

Q. When did this organization known as the evil servant first make its presence manifest in and against the Lord's organization? A. In 1917 this group appeared and in 1918 they separated themselves, definitely.

Q. Since that time they have continued in opposition as an organized group, have they not? A. Yes, sir.

Q. Who is pictured by Judas in the Scriptures in connection with the evil servant? Is Judas known to picture any in connection with the evil servant? A. He pictures this class who are unfaithful to the Lord and the Kingdom, who turn against the Lord and His brethren.

Q. Can you tell whether or not the group known as the evil servant class follow a man and what publication do they study and advocate?

Mr. Bruchhausen: What is that question?

(The foregoing question was read by the Court Reporter.)

Mr. Bruchhausen: I object to the form of the question. No one could tell what a large group of people are doing to do or have done.

The Court: Can you state of your own knowledge?

Mr. Bruchhausen: If he identifies anybody—

The Court: State of your own knowledge.

Q. This group that has been identified as the evil servant by you. Answer the question.



Mr. Bruchhausen: I still object to the question. In other words, the question implies that all evil servants for all time have gone out and done one particular thing. If that is what it implies, I will not object to the answer.

The Court: I will permit you to ask him that question now. Will you ask it now, Mr. Bruchhausen?

Mr. Bruchhausen: I don't want to ask the question. I will withdraw the objection.

Q. Go ahead and answer. A. They protest—

The Court: This is of your own knowledge.

The Witness: Yes, sir. They make loud protestations of following Pastor Russell, who is dead, and they adhere to his work as the standard of truth and doctrine, and they continue publishing them to this day, and continue studying those publications.

The Court: Who is Pastor Russell?

The Witness: He was the first president of the Watch Tower Bible & Tract Society.

Q. Was this group opposed to following the revealed word of the Lord through the Watch Tower channel? After Pastor Russell died? A. Yes, sir.

Mr. Bruchhausen: I object to it.

The Court: Sustained. Strike out the answer.



Mr. Covington: We except to the ruling of the Court.

Q. Can you tell of your own knowledge whether or not the Dawn, Inc. and what is known as the Pastoral Bible Institute are part of that organization or group identified as the evil servant? A. Yes.

Q. Are they? A. Yes.

Q. Reference has been made many times in questions by counsel, to God's organization. Please explain to the Court and jury what Jehovah's Witnesses considered to be God's organization. A. God's organization is composed of two parts, an invisible heavenly part and a visible earthly part. The visible part is composed of his covenant people, those who have dedicated their lives wholly to Him and he organizes them or arranges them in order to accomplish his purpose. This organization is not Democratic or hierarchic or ecclesiastic. It is Theocratic. It is ruled from the top, Jehovah God, down, and not from the bottom up.

Q. Who are therefore the leaders in that organization? A. The recognized leaders are Jehoval God and Christ Jesus, the higher powers.

Q. Do Jehovah's Witnesses recognize that they have any earthly leader? A. No, sir.

Q. What are all of the servants of the Watch Tower Bible & Tract Society, from the president down, considered? A. They are considered merely as servants, fellow servants.

Q. Do Jehovah's Witnesses advocate that the evil servant class referred to by you in your testimony are identified to and part of the Devil's organization? A. They are.



Q. Would you explain to the Court and jury what is meant by Devil's or Satan's organization. A. The Devil's organization is likewise composed of two parts, invisible parts of demons and a visible part composed of those who are serving the Devil, particularly in an official capacity.

Q. And what is known in the testimony and doctrines of the Watch Tower Bible & Tract Society as the Theocratic Government?

The Court: He has explained that, coming from the top.

Mr. Covington: Yes, I think so.

The Witness: The Theocratic Government—

The Court: You have explained that, the Government from the top instead of from the bottom.

Q. Is that identified as the Lord's organization, the Theocratic Government? A. Yes, sir.

Q. And that includes both the heavenly and visible parts, is that correct? A. Yes, sir.

Q. Do Jehovah's Witnesses expect to establish a Theocratic Government on the earth? A. No, sir. The Scripture says that in the last days God shall establish a Kingdom which shall rule forever.

Q. Do Jehovah's Witnesses expect to have any part in the establishing of that? A. No, sir.

Q. When, according to Jehovah's Witnesses, will this Theocratic Government be fully established in the earth? A. The Battle of Armageddon, which will be fought by the King of that Theocratic Government, Christ Jesus, and his angels, will clear out the Devil's organization



from the earth and Heaven completely, and thus make the earth a clean place for righteous persons to live.

Q. And will the Government of Jehovah bring peace and happiness and prosperity to all the people who survive?

Mr. Bruchhausen: That is his opinion.

Mr. Covington: That is what we advocate.

The Court: That is the opinion of Jehovah's Witnesses.

Q. Just as to Jehovah's Witnesses. A. The Scripture says the Government shall be upon Christ's shoulders and He shall be called the Prince of Peace.

Q. Concerning the benefits that will come to the people from that Government, will you tell the Court and jury what Jehovah's Witnesses advocate in that regard. A. It will bring to the people freedom to serve God without persecution and obstruction from the Devil. It will flood the earth with peace, bless mankind, the obedient ones, with plenty, and bestow upon them everlasting life and an earthly paradise.

Q. Reference has been made by Mr. Moyle to his objection to the article entitled "Fill The Earth" which was revealed by The Watch Tower & Tract Society in 1938. Will you please explain to the Court and jury the doctrine known as "Fill The Earth" and when and who will have part in that mandate.

The Court: According to Jehovah's Witnesses.



Mr. Covington: That is understood in all of these matters.

I appreciate your suggestion.

A. The Divine Mandate was first issued to Adam and Eve in the Garden of Eden which was to the effect that they should fill the earth with a righteous race. By reason of Adam and Eve's fall into sin that Divine Mandate was suspended and God did not become responsible for their offspring who have been born imperfect, diseased, dying, illegimate, and so on, and God wiped out their offspring at the flood in Noah's days. Then God brought through the righteous persons, Noah and his seven companions in the Ark through the flood. After they emerged from the Ark into the dried earth, God restated the Divine Mandate to Noah and his family and told them to be fruitful and multiply and fill the earth, and the Scriptures show that that mandate was fulfilled typically to the extent of 70 different individuals and generations named in the 10th Chapter of Genesis. However, that was only a typical fulfillment. Jesus said in his prophecy on the end of the world that as it was in the days of Noah so should it be in the days of the Son of Man and the Scriptures show that in this end of the world, just as Noah was carried through the end of that world, that old world, so God will carry through the end of this world those who obey Him and do His Will and after Armageddon has been fought and the earth cleansed, then God will issue Divine Mandates to these Armageddon survivors to fill the earth with a righteous race.

Mr. Bruchhausen: Can't we have shorter definitions from the witness?

The Court: Please make them as short as you can.

Mr. Covington: We don't want to encroach upon the patience of the Court. At the same time, we don't—I know we are not being denied.

The Court: I want the record to show I haven't denied anything. I have merely asked him to be as short as he can.

Mr. Covington: Please understand that I am not trying to abuse the privilege of this matter, but I want to get the full matter before the jury and when we cover these points I will proceed along speedily with the facts.

The Court: I am sure you are not encroaching upon the jury's time and my time and I am sure that this is mainly for the purpose of showing the jury the definitions of various things held by Jehovah's Witnesses.

Mr. Covington: That is right.

Q. In the testimony of Mr. Moyle and some of his witnesses as well as his counsel, objection has been made to the statement in the "Watch Tower" magazine that Christ died for the obedient ones. Now will you please state to the jury the history of the belief and doctrine in that regard advocated by the Watch Tower Bible & Tract Society and if any time there has been any change state when it was and tell the reason therefor.



Mr. Bruchhausen: If your Honor please, I don't believe counsel states my position properly. I am not objecting to doctrines. I am just pointing out the difference.

The Court: You were questioning, which you had a perfect right to do, on cross-examination, certain witnesses concerning that portion of the "Watch Tower" magazine, two of them as I understand it, one of them that mentioned obedient ones and one that mentioned all.

Mr. Bruchhausen: I am just stating that I don't think I objected to it. I pointed out that there were two different definitions. The word objection was not a legal objection.

The Court: The jury and counsel mean that it was just that he made mention of it in cross-examination.

Mr. Covington: That is right.

Q. Now, would you please state, Mr. Franz, what you know in that regard. A. The doctrine that all were bought by the Lord Jesus Christ, by His Ransom sacrifice, without consideration of any individual cost, all were automatically included in the ransom; that doctrine was carried over from the days of Pastor Russell who died in 1916. However, since then, further investigation of the Bible has been made and from the year 1938, the end of the year, it was pointed out from the Scriptures that the Bible shows that not all are included under the ransom sacrifice but only the obedient get the benefit thereof.



The Court: Does the Bible state both issues?

The Witness: The Bible furnishes the texts which have been used in the past in Pastor Russell's day. But there are other texts which have to be considered in connection therewith.

The Court: So it does state, as I understand it, in one part of the Bible, that all shall be ransomed, and another says the obedient ones, and you have after further investigation decided that obedient is correct.

The Witness: That they qualify the other Scriptures.

The Court: In other words, in one part of the Scriptures it mentions all mankind, and after further investigation you find it is qualified to mean obedient ones.

The Witness: That is right.

Q. What Scriptural authority is there for the conclusion that Christ died only for the obedient ones, please? A. The Scripture at Hebrews 5, 8 and 9, says that being made perfect He became the author of eternal salvation unto all them that obey him. John 3, 16, says that God so loved the world that he gave his only begotten Son that whosoever believeth in Him should not perish, but should have everlasting life.

Q. What is meant by those that believeth in Him? Does it mean merely profess Christ Jesus or follow in His footsteps? A. It does not mean a mere mental assent in the original text of the



Bible. The Greek word belief and obey are one and the same word.

Q. What is the doctrine advocated by the group known as the evil servant on that proposition of whether or not Christ died for the obedient ones? A. They adhere to that which has been set forth by Pastor Russell in the studies in the Scriptures, that all the world of mankind are automatically included and that in the thousand year reign of Christ everyone, including the most wicked of the earth, will be brought forth from the grave.

Q. Do Jehovah's Witnesses and the Watch Tower Bible & Tract Society believe that the light upon the Scriptures increases as you approach the most perfect day? A. Yes, sir.

Q. And what do Jehovah's Witnesses advocate in that regard? A. That we must walk in the light; if we don't we will be left behind in the darkness.

Q. Is that the distinction between one who follows man and one who follows Christ Jesus? A. Yes, sir.

Q. It has been brought out in evidence on cross-examination and by questions that Jehovah's Witnesses make a distinction between religion and Christianity. Will you state that distinction, please, from a Biblical standpoint as well as the facts. A. Religion is a Latin word invented before the time of Christ and applied to the heathen form of worship by the inhabitants of the Italian Peninsula, but in the Bible the word "religion" occurs. It is translated from a Greek word, "thraskaya," which means a form of worship. Religion is that which is in dis-



obedience of God. It is a form of worship paid to a higher power, and which worship is according to traditions of men, whereas Christianity is obedience to the will and Commandments of God as Jesus obeys the Commandments of God.

Q. Do Jehovah's Witnesses attempt to pass judgment upon the individual who innocently practices religion? A. No, sir.

Q. Who do Jehovah's Witnesses— What is the attitude of Jehovah's Witnesses towards individuals that practice religion? A. Our desire is to help them to see the teachings of the Bible, that there is a difference between the Scriptures and religious doctrines.

Q. And on that basis do Jehovah's Witnesses oppose those, anyone, because of their religious profession or belief? A. No.

Q. Well now do they attempt to pass judgment upon the individual because of his religious belief? A. No.

Q. What is meant by the term "religion is a snare and a racket" as used by Jehovah's Witnesses? A. A snare is a hook or a noose or a device that is designed to catch one unawares, especially if he is not walking according to the Will and Word of God. A racket is a trick or device or scheme which is translated to deceive and to work injury to an individual and to cause him to part with that which is valuable. When an organization arrogates to itself un-Scriptural powers and authorities and then threatens people who do not submit to it with un-Scriptural punishment, then that organization becomes a racket. The Scriptures say that religion is such a snare, in various places. In



Deuteronomy, 7, verses 16 and 25, it warns God's covenant people to have nothing to do with the religions, because they will be a snare unto them.

Q. What do Jehovah's Witnesses consider with reference to the so-called Christian religion? Do they consider that a misnomer, and why? A. It is a misnomer. The Bible does not use such a term and the two are diametrically opposed to one another. Religion is of the Devil, introduced in Eden, whereas Christianity is of God, and was specially exemplified by Christ Jesus.

Q. Do Jehovah's Witnesses criticize and hate individual Catholics and those of other religions because of their profession or following religion? A. No, sir.

Q. Well, what are some of the modern day doctrines that support the conclusion that religion is a snare?

The Court: Hasn't he answered that? He has quoted the Scriptures.

Mr. Covington: The modern or present day doctrines.

The Court: All right.

A. The doctrine of purgatory, that the dead are not dead, but that those who are members of the religious organizations at best to go to a place of purgation in fire and other tortures and after a period of time they are released therefrom, that masses can be offered for them by the living, prayers can likewise be offered to expedite the release of the individual de-

tained in purgatory and his entrance into Heaven.

Q. Regarding the question of Hell-fire advocated by some religionists, what is the attitude of Jehovah's Witnesses on that question? A. That no such place of literal fire and brimstone for the eternal torture of creatures after death exists.

Q. What does the Bible teach that Hell is? A. Hell is the grave and is so designated in the margins of many Bibles.

Q. Does the Scripture teach that Christ was in Hell for three days? A. Yes, sir, it says that his soul was not left in Hell but was brought out therefrom on the third day.

Q. What do Jehovah's Witnesses teach in reference to the Resurrection as a means of Salvation to the people, and who will enjoy its benefits, the benefits of that Resurrection? A. The Lord Jesus said that all that are in their graves shall hear the voice of the Son of God and shall come forth, that have done good unto the Resurrection of life and they that have done evil unto the Resurrection of the Judgment, and the Watch Tower points out that the word graves is the peculiar Greek word meaning memory. It refers to the memory of God, and those whom he retains in his memory as coming under the ransom sacrifice of Christ, and therefore amenable to the Resurrection.

Q. When will that Resurrection take place? A. During the Kingdom of Christ.

Q. And who will enjoy the benefits of the first Resurrection?



Mr. Bruchhausen: I don't think we have had anything about Resurrection in here. Are we going all through the Bible?

The Court: Sustained.

Mr. Covington: I am trying to confine it to these matters that have been objected to by the evil servant according to this pamphlet.

Q. You are familiar with the signs that were formerly used by the Watch Tower Bible & Tract Society in advertising meetings? A. Yes, sir.

Q. Do you remember the sign called "Religion is A Snare And A Racket"? A. I have carried that.

Q. What sign is there on the other side of it? A. Along with that sign there was carried "Serve God and Christ The King." On one side the one legend and on the other side the other. We were told to turn that regularly so that people approaching us could see both sides.

The Court: You have given a Biblical or Scriptural quotation for snare. Is there anything in the Scriptures that says religion is a racket?

The Witness: Yes.

The Court: Where does it say that? Tell the jury.

The Witness: It says that in the last days—the Apostle Peter particularly mentions it in the 2nd Chapter—that there will come false prophets who for selfish reasons will make gain of you, and the Apostle Peter warns the elders of the



church that they should take the oversight of the church not for filthy lucre but of a ready mind.

The Court: So the word "racket" is the word of Jehovah's Witnesses as interpreted by you here. There is no word "racket" in the Bible.

The Witness: But the principle of racket—

The Court: You have told us the word "snare" was there. I am asking if the word "racket" was there.

The Witness: No.

Q. The word "racket" is a modern day expression, is it not? A. It came in about 1923, as I remember it.

Q. Do Jehovah's Witnesses charge that individuals that innocently practice religion are racketeers? A. No, sir, they are victims.

Q. There has been some evidence of a number of flag salute cases that were handled by Mr. Moyle, and that matter is well known by all. What is the attitude of Jehovah's Witnesses with reference to the flag of the United States? A. They highly respect the principles for which the flag stands, and they comply with all the laws of the land as given out by the Government for which the flag stands. Only in the case where any law is contrary to the expressed word of God then they obey God rather than men.

Q. Why do Jehovah's Witnesses not salute the flag? A. Because they are in a covenant with God to keep His Commandments faithfully, and part of the covenant is that they should not ren-



der obeisance or homage to any creature or thing, only to God Almighty Himself.

Q. What Scriptural Authority do you have for that statement? What is the flag salute a symbol of to Jehovah's Witnesses? A. It represents a Government and the principles of that Government as expounded particularly in the Constitution of the United States of America and this land.

Q. What Scriptural authority do Jehovah's Witnesses rely upon for their conscientious refusal to salute the flag? A. The Second Commandment which forbids them to make unto themselves any graven image or any likeness of anything that is in Heaven above or that is in the earth beneath or that is in the water under the earth, and forbids them to bow down thereto. Other Scriptures show they may not make signs of worship or homage such as kissing or throwing a kiss, waving the hand, and the Apostle John says "Little children, keep yourselves from idols."

Q. Do Jehovah's Witnesses believe that to salute the flag ascribes salvation unto the flag? A. Yes, sir.

Q. Who does salvation come from, according to the Bible? A. Psalm 3-8 says: "Salvation belongeth unto Jehovah."

Q. Do Jehovah's Witnesses believe that people that desire to salute a flag can do so, and have they made statements to that effect in their publications? A. Yes, sir, they accord to each individual his privilege in that respect, what he conscientiously believes he is bound to do.

The Court: Permit members of Jehovah's Witnesses to salute the flag? I



can't quite understand. You said that they permit each individual—Do you mean those outside Jehovah's Witnesses?

The Witness: Yes, those not in covenant relationship with the Lord.

The Court: You wouldn't have very much control over that, would you?

Q. But there is no criticism of one for saluting a flag, is there? A. No, sir.

Q. Coming now to the "Watch Tower" magazine, could you please tell what the purposes of the "Watch Tower" magazine are. A. It is to encourage the study of the word of God, to provide material for Bible study classes, and also material for broadcasting over radio stations. It is to acquaint people with Jehovah and his purpose and Kingdom.

Q. Is it the channel of communication between the Watch Tower Bible & Tract Society, the Governing Body of Jehovah's Witnesses, and Jehovah's Witnesses, and also the people of good will? A. It is.

Q. And how long has it served that purpose or that channel? A. Ever since it began its publication in 1879.

Q. Do Jehovah's Witnesses have a magazine that is published and designed specifically for the public, primarily for the public? A. There is an associate magazine, "Consolation," as it is called today. It used to be called "The Golden Age."

Q. And that is a magazine designed for the public? A. Yes, it is a general magazine.

Q. How many articles usually appear in the "Watch Tower" magazine? A. As a rule at



least three doctrinal articles, besides letters, resolutions, experiences, which now appear on the last page of the magazine.

Q. You say letters and resolutions and experiences. Is that from Jehovah's Witnesses? A. Yes, or people of good will.

Q. And for what purpose are those letters, resolutions and experiences carried in the magazine? A. To indicate the mental attitude that these individuals take with respect to the Lord's organization and its publication work.

Q. Is the "Watch Tower" magazine a one man magazine? A. It is not.

Q. Who was the editor of the magazine in the days from 1900 to 1916? A. Pastor Russell was the Editor, the sole Editor of the "Watch Tower" down to his death in 1916.

Q. Who became the editor of the magazine upon the death of Pastor Russell? A. Pastor Russell left a will designating five gentlemen to serve on an editorial committee, three of which must agree as to an article.

The Court: He asked you who they were.

Q. Do you remember who they were?

The Court: Do you? If you don't remember, tell us.

Q. The names, and if you don't remember the names—You say there were five? A. Judge Rutherford was one of them. Mr. Van Amburgh was another, and Fred Robison was another.

Q. Was there any provision in the Charter of the Watch Tower Bible & Tract Society for

such editorial committee? A. No, that was the Will of Pastor Russell.

Q. Who subsequently became the Editor of the magazine, the main editor of the "Watch Tower" magazine? A. In 1931, October 15th, as I recall, the "Watch Tower" discontinued publishing the names of any editorial committee on the second page.

The Court: He asked you who became the editor.

The Witness: And it said—

The Court: Who became the editor?

Q. Who became the editor when this was discontinued? A. Jehovah God.

Q. And who wrote the magazine under the direction of Almighty God? A. Various individuals contributed to the magazine, Judge Rutherford, and others.

Q. Who passed on what went into it? A. Judge Rutherford, primarily, and he also called in associates—

The Court: Who had the final say?

The Witness: Judge Rutherford supervised everything that went into the magazine, sir.

Q. Is the "Watch Tower" magazine dogmatic?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: That is a statement that has been read to the jury from the magazine and I want to explain that.



Mr. Bruchhausen: Unless it is in the magazine.

Mr. Covington: It says it is not dogmatic and I want to have him explain.

The Court: It doesn't say that?

Mr. Covington: Yes.

Mr. Bruchhausen: Then I will withdraw the objection.

The Court: And I will permit the answer.

A. The magazine is not dogmatic. Dogma literally means opinion and the "Watch Tower" does not set forth the opinion of man. The "Watch Tower" instead of being dogmatic is confident because it bases its conclusions upon the word of God and therefore it is sure of the ground upon which it is walking. It does not arrogantly assert any opinion with unwarranted positiveness.

Q. This statement is also found in the "Watch Tower" that has been introduced. Does the "Watch Tower" engage in controversies with individuals over what the Bible teaches? A. The "Watch Tower" does not engage in any verbal combats with anyone. It does not engage in controversies taking up matters of debating point by point.

The Court: The answer is, it does not engage in controversies.

The Witness: That is right.

Q. The magazine also uses the statement which has been referred to by counsel in the examination that it does not indulge in personalities. What is the policy of the "Watch



Tower" in that regard and if the case of an individual is mentioned at any time is it for the purpose of indulging in personalities? A. The "Watch Tower" does not engage in personalities. It does not discuss persons for the purpose of bringing reproach upon them or either to glorify any individual. The "Watch Tower" discusses doctrines apart from individuals because of the effect of those doctrines upon people adhering to them.

The Court: And it uses the individuals as examples?

The Witness: Sometimes it may mention the name of an individual to introduce the history of the doctrine.

Q. That is in reference to the main articles? A. Yes.

Q. The statement was made from the witness stand by one of the witnesses for the plaintiff that objection was made to the inconsistency in the lecture "Face The Facts" with reference to the Resurrection. Explain that if you know, if there is such an inconsistency. A. Page 55 of the booklet, "Face The Facts," was mentioned and it was stated that that page declares that the dead will not be raised during the thousand year reign of Christ but will be first brought forth from the tomb at the end of the thousand years, but that page does not say any such thing.

Q. Do Jehovah's Witnesses conduct studies in the homes of people of good will? A. They do.

Q. Is that carried on throughout the entire United States? A. Yes, sir.



Q. And are there many such studies conducted in the homes of people by Jehovah's Witnesses? A. Thousands.

Q. And at such studies do Jehovah's Witnesses make an effort to encourage them also in the study of the "Watch Tower" magazine? A. No. The "Watch Tower" magazine is not made the subject of study. The booklets and bound books and some of the recorded lectures of Judge Rutherford are also studied.

Q. But at such studies do they attempt to encourage the individuals to study the "Watch Tower" magazine for themselves? That is the point I am getting at, privately? A. They recommend the "Watch Tower" magazine to these individuals and encourage them to subscribe for them, or they may establish a routine—a route and each issue of the "Watch Tower"—

The Court: The answer is that they encourage them to study it.

The Witness: That is right.

Q. When did the "Watch Tower" magazine first receive its published distribution upon the streets throughout the United States? Do you recall what year? A. That was in 1940.

Q. About what month? A. February.

Q. Do each of Jehovah's Witnesses have a congregation which he administers spiritual food to? A. Yes, sir.

Q. And is that amongst the people of good will in their homes? A. All those in a particular assignment of territory.

Q. How long have you been acquainted with Joseph F. Rutherford? A. Since his visit to Cincinnati—



The Court: How long, not the history.

The Witness: Since about 1914.

Q. Where did you become acquainted with him, first? A. In Cincinnati.

Q. And what year was it that you came to Bethel? A. 1920.

Q. Can you state the meaning of Bethel, why that name was given to the Family? A. It is a Hebrew word meaning "House of God" and was given to that household because they were all devoted to the Lord and they were brought together there to carry on the various functions of the Society at Headquarters.

Q. Is that a public institution or a private institution? A. Private institution, sir.

Q. And is it considered a family, and why? A. It is considered a family. We live together in the same house and we take all our meals together. We study the Bible together from which all outsiders are excluded.

Q. And could you tell the jury what the daily routine life of the members of Bethel Family is and was in 1939? A. We assemble at 7 o'clock in the morning in the dining room.

Q. Continue. A. First of all we used to sing—

The Court: In 1939 what did you do?

Q. From 1935 to 1939, I will put it that way. A. We used to sing a song the first thing. Judge Rutherford discontinued that out of consideration for the neighborhood who might object to singing so early in the morning. So now we simply have the morning text read out of the year book which has a text for each day



of the year, and we devote 10 or 15 minutes to a discussion of that.

Questions are asked by members of the Family, and thereafter the Chairman calls upon various ones for comments and then throws open the discussion to anybody who volunteers a comment. Then at the conclusion of this the Chairman sums up the discussion and he has the year book comment read as the final complete summary. After that the Family rises and the Chairman conducts the morning prayer, asking God's blessings on the day's activities. Judge Rutherford almost exclusively offered those prayers when he was present, when he was alive, and at the conclusion of this leading there all of the Family join with the Chairman in saying the Lord's prayer. Then we have the blessing upon the meal. We take our breakfast. We reassemble in the dining room at 12:15 for our dinner, and when the family is sufficiently fed up we have the time thrown open for any service announcements or for Bible questions. Likewise, at the evening meal, which is at six o'clock, during the progress of the meal we listen to the radio from Station WBBR, our own station, and then towards the close of the meal we throw the time open for service announcements and any Bible discussion.

Q. What do you mean by service announcements and service discussions. A. The experiences that the publishers have had out in the field are permitted to be related, or if any representative of the Society has been sent out on an appointment to meet with another company, he may relate what has taken place there that is

of general interest, or service announcements, instructions may also be issued.

Q. What is done by Jehovah's Witnesses, members of the Bethel Family, with their time off from their regular routine duties? A. They are encouraged to engage in the service of the Lord.

Q. And what do you mean by that? A. Out in the field, carrying the message from house to house, and organizing book studies, conducting model studies and home Bible studies.

Q. And is this the Christian method of worship or preaching the Gospel? A. Yes, sir.

Q. And who sets the example for that method? A. Christ Jesus.

Q. And in what manner? A. He himself went from house to house and He sent also his 12 Apostles and then 70 Evangelists from house to house to preach the Gospel of the Kingdom.

Q. During the years 1935 to 1939 who was considered the head of the House at Bethel? A. The President, Judge Rutherford.

Q. Was he considered to be the head of the Family? A. Yes, sir.

Q. Has that always been the practice at Bethel even before the days of Judge Rutherford? A. Yes, sir.

Q. Has the President always been considered the head of the Bethel Family? A. Yes, sir.

Q. Is that looked upon by members of the Bethel Family in the same regard as a child upon his father, as member of a private family? A. Yes, sir.

Q. During the years that you have been acquainted with Judge Rutherford and a member



of the Bethel Family, did you have occasion to notice his attitude towards his brethren at the dining table primarily? A. Yes, sir.

Q. Have you had occasion to observe his attitude with his brethren in conference on any matter either privately or in groups? A. Yes, sir.

Q. Could you please state what you have observed with reference to the conduct of Judge Rutherford at the table and in private conference towards the service? A. Judge Rutherford was always very considerate and kindly towards his brethren. He was very anxious for their spiritual and also their material and physical welfare, and he sought to make every provision for their prosperity in these regards.

Q. Did he maintain a standard of equality in the Family? A. He did.

Q. Was there a standard of equality amongst all the members of the Family with each other? A. Yes, sir.

Q. Did the Bethel Family look upon Judge Rutherford as a boss? A. No, sir.

Q. Had you ever heard any statements made by Judge Rutherford at the table in reference to his position in the Family and in the Society? A. I have already heard one statement mentioned from the stand here—

The Court: He asked you in Bethel.

The Witness: Yes, sir.

Q. What you heard at Bethel. A. He said, "As long as I am President of the Society there shall be no bosses in the organization."

Q. And had he ever made any statements with



respect to his position in the Society amongst his brethren? A. Yes, sir.

Q. What statements, if you know? A. He said, "I am one of the boys. I am a fellow servant."

Q. Did the boys at Bethel regard him as one of the boys? And one of the fellow servants? A. Yes, sir.

Q. What attitude did he maintain at the table in reference to permitting his brethren to make comments and exercise their speech? A. He allowed them freedom. He was desirous that every member of the Family participate in these table discussions, particularly the brothers, and he encouraged every one. He said on several occasions when sometimes comments were not forthcoming very readily, "I do not know the names of all of you boys. I am not here all the time. New ones are coming in and your names do not come to my mind while I am here at the head of the table. But I want you to feel perfectly free to ask questions and to make comments even though I don't call on you."

Q. Did he take the part or the attitude of a Dictator at the table? A. No, sir.

Q. Do you have any instance in mind concerning the elective elders and would you tell who were known as the elective elders and if they were removed because of tendency in the organization at large to boss over the brethren? A. Elective elders refers to those who are elders by virtue of an election by the votes of the members of the Congregation. But this does not necessarily mean they are elders according to Christian development and practice and knowledge—



and experience. The Watch Tower pointed out that there is no place for elective elders in God's organization. In 1932, it exposed that, and it discontinued throughout the entire organization companies, throughout the entire world, this yearly practice of electing men called elders. Many of them were treating the local congregation as their own particular flock and were bossing and were obstructing the instructions of the Society which were sent to those congregations.

Q. And did that practice originate prior to the day of Judge Rutherford and the days of Pastor Russell, elective elders? A. Yes.

The Court: You mean the practice of electing them?

The Witness: Yes, sir.

Q. And—

The Court: And the practice was discontinued during Judge Rutherford's time?

The Witness: Yes, sir.

Q. Did you ever hear Judge Rutherford make statements at the family table with reference to his love for his brethren at Bethel? A. Yes, sir.

Q. State, if you remember, the substance of such statements and the occasions. A. Well, I have heard him quite frequently say, "I love this family" and when he had been absent for some months, particularly in foreign lands visiting the foreign—

The Court: When he was absent.

The Witness: Yes, sir.



Q. When he returned from such visits? A. When he would return from such visits he would say, "This is the best family in the earth."

Q. And did he express joy and appreciation of returning to his brethren? A. Yes, sir.

Q. Do you remember any specific occasion that stands out when the brethren expressed their joy to see him return and what he said on that occasion? A. I remember one instance, the last of its kind, when Judge Rutherford returned after an absence of some months, and as we had been doing in times passed when he entered the dining room the whole Family stood up and we all started singing the song, "Blessed Be The Tie That Binds Our Hearts In Christian Love." This last occasion Judge Rutherford took his place at the table but did not join in the singing, and when we sat down at the conclusion of the song he said, "I appreciate this expression which was made by this song, but I wanted to be understood that I am no different from any other member of this Family and when I go away it is in line of duty, and when I come back it is in the line of duty, and it does not make any difference, no special acknowledgment should be made to me," so singing was discontinued.

Q. Can you tell what Judge Rutherford's policy was with reference to the brethren at Bethel complying with the rules of Almighty God and strictly adhering to Christian conduct? A. Well, he insisted that the law of God be followed.

Q. Have you ever heard Judge Rutherford correct his brethren or make public statements at the table for the benefit of the entire Family



in reference to such conduct and if so, tell his attitude in that regard. A. I have heard him correct the brethren there in the Family when they have made mistakes and he showed the reason for the correction. It wasn't arbitrary, but he gave the Scriptures.

The Court: Did he call the brethren by name in the general assembly when he corrected them?

The Witness: Sometimes he would.

Q. Did you ever hear at the table brethren make comments or on the occasion that any brethren made comments out of harmony with the policies of the Society, what the attitude of Judge Rutherford was to such? Did he assume the attitude of a dictator? A. No, sir. When anyone made comments which were out of line with the declared policy of the Society and the organization instructions, then Judge Rutherford corrected such.

Q. Did he do it in a loud, severe and dictatorial manner or in a kind manner? A. No, he did it in a firm manner but kind.

Q. Do you remember the occasion of Mr. MacAulay making any comments at the Bethel table in reference to the "Watch Tower" studies? A. Yes, sir.

Q. Tell what Mr. MacAulay said, what the discussion was about and what attitude, if any, had Judge Rutherford displayed in reference to that comment. A. The "Watch Tower" study is considered the most—

The Court: What comment did Mr. MacAulay make and what did Judge Rutherford say, if anything?

Q. Concerning the "Watch Tower" study which you have just stated is the important study at Bethel, is that a study conducted at Bethel also? A. Yes.

Q. Tell us what was said on that occasion? A. The "Watch Tower" had just published the method for conducting such a study. It had been tried out in the Bethel Family and found to be satisfactory and progressive. But in spite of the publication of that article Mr. MacAulay comes forward and makes an extended comment at the table criticizing it and offering something else which he has observed, and therefore Judge Rutherford corrected him on the matter.

Q. How long did Mr. MacAulay speak on that occasion, if you remember? A. I don't recall, but it was quite lengthy. He spoke without interruption.

Q. And when he was concluded do you remember what if anything Judge Rutherford said? A. Yes. Judge Rutherford said, "I have noticed, Brother MacAulay, that you are in the habit of making comments repeatedly or remarks which are out of harmony and obstructionists". And then he pointed out that when the Society has declared what method shall be pursued, that should be accepted and complied with by the members of the family. He was responsible as President to see that the standard of the Family and of the Watch Tower order was fulfilled.

Q. How long had Mr. MacAulay been a member of the Bethel Family when this happened? A. For some years.

Q. Did Mr. MacAulay leave the Bethel Family after that? A. Not immediately after it.

Q. Was it sometime after that that he left?



The Court: How long after, if you know?

The Witness: I think after this—

Q. Yes. A. I don't recall but I think it was in 1940.

Q. He left during 1940, you think?

The Court: You don't know?

The Witness: Not positively.

Mr. Covington: We can establish that definitely from another source.

Q. Did you hear on that occasion or did Judge Rutherford lambaste and publicly and shockingly trim Mr. MacAulay on that occasion? A. No, sir.

Q. Do you remember the occasion that Mr. C. J. Woodworth made a statement at the table in reference to a suggestion that he had made concerning a change from the present day calendar that is in general use, or were you present on that occasion? A. I was present.

Q. If you remember, what was said then? Please tell the Court and jury. A. Judge Rutherford stated at the beginning of the meal that he had received a communication which he wanted to bring to the attention of the Family. So after the meal had progressed why then Judge Rutherford stated what this communication conveyed, that it was with regard to the calendar, something about which had been published in the Society's magazines, and that objection was raised to it, and that he was called inconsistent because of not applying this Bible calendar immediately, and when Judge Rutherford had just referred to this, Mr. C. J. Woodworth spoke



up without being called upon, and he said, "I want to confess that I wrote that statement, and he said, "I made a big jackass of myself by so doing, and was out of order."

Q. What, if anything, did Judge Rutherford say after that? A. Judge Rutherford showed the impracticability of applying the Bible calendar under the present day conditions. He showed how some of the brethren throughout the land had started to use that calendar in communications with the Society and it was really leading to confusion and therefore it was unwise and untimely to apply the calendar, and Judge Rutherford agreed with Brother Woodworth that he had made a jackass out of himself.

Q. Had that calendar been under consideration by members of the Family for sometime and was there much discussion on that subject causing disturbance in the Family? A. Oh, yes. There had been discussion of it until finally after a period of time Judge Rutherford closed the matter down and said, "Now it is a closed matter," and it was subsequent to this that Mr. Woodworth tried to reopen this.

Q. Yes.

The Court: If Judge Rutherford said a matter was closed it was closed?

The Witness: It was closed.

Q. And after that Mr. Woodworth tried to reopen it by this suggestion that this calendar in present day use in the world be abandoned and this calendar be applied, is that correct? A. That is correct.



Q. On the occasion of that discussion did Judge Rutherford assume an arbitrary and dictatorial attitude towards Mr. Woodworth or in the making of his comment to the Family? A. No, sir.

Q. What was the attitude? A. One of correction and of also informing the Family as to the reasons why such a method of teaching dates, and so on, could not be applied.

Q. During the years that you have been at Bethel have you at any time from the time that you were there until the day that Mr. Moyle left ever heard any dirty, filthy, smutty stories and jokes passed around the table? A. No, sir.

Q. Have you ever heard Judge Rutherford tell any such stories? A. No, sir.

Q. Have you ever heard Judge Rutherford glorify the use of alcohol at the table? A. No, sir.

Q. Have you ever heard anyone glorify the use of alcohol? A. No, sir.

Q. What is the attitude of Jehovah's Witnesses and the members of Bethel Family on the question of alcohol and the use thereof? A. The Bible position on the matter.

Q. And what is the Bible position on the matter which is assumed by the Family as well as the Society? A. Alcohol is a creation of God and the servants of the Lord, from Noah onward drank wine containing alcohol and the Lord Jesus Christ even made wine at a marriage celebration when the stock had run out, and they cried for more wine to continue their festivities, and the Apostle—



The Court: That is enough. So you permit the use of it?

The Witness: Yes, sir.

Q. I would like to go further and have you explain now the attitude of Jehovah's Witnesses and the Family towards those that desired to make use of wine and other alcohol, and what the attitude of Jehovah's Witnesses and the Family is towards total abstainers. A. Whether an individual in the Bethel Family wants to imbibe alcohol is his own individual privilege, and he is responsible for that, and if he wants to have any alcohol in his room, that is his own responsibility. But no drunkenness is tolerated and always moderation is advised and encouraged.

Q. What is the Scriptural position on the use of alcohol insofar as moderation is concerned? A. The Bible links gluttony with drunkenness. It says the glutton and the drunkard shall come to poverty and drowsiness shall clothe a man with rags. So intemperance in this respect is condemned, and Judge Rutherford said that the Family members should not indulge excessively in wine or intoxicating liquors, and that the word of God expressly says that before they go out in the service of the Lord they should not partake thereof, in order that they might be possessed of their full senses.

Q. And is that the attitude that was assumed, the practice that was followed by the faithful representatives of God in the days of the Hebrew Nation? A. Yes, sir.

Q. And is that Commandment specifically



found in the Bible for one serving in the Temple? A. Yes, sir.

Q. Are total abstainers to be found in the Family? A. I couldn't say.

Q. Well, are they condemned or criticized because they are, or anyone? Have you ever heard anyone condemned or criticized because of total abstinence from the use of alcohol? A. No, sir.

Q. What is the position of the Family and of Judge Rutherford on the subject? A. That has been published. The Bible records cases of total abstainers. For instance, the Jonadabs, the Sons of Rechab were mentioned in Jeremiah, 35th Chapter, where God told Jeremiah to go to them and offer them wine, and they refused, and they said they were under a vow made to their Father to be total abstainers from all alcoholics, and instead of condemning them God instructed Jeremiah to commend them because of keeping their vow. Furthermore, Samson was a Nazarite. He was under a vow of total abstinence, and the "Watch Tower" spoke praiseworthy of Samson and showed what it means. Samuel was another Nazarite. He was a total abstainer. All Nazarites were total abstainers for the period of their vow.

Mr. Bruchhausen: Can't he state whether they are for or against it?

The Court: We are getting down to that now, I assume.

Q. Are Jehovah's Witnesses and the members of the Bethel Family against total abstainers? A. No.

Q. Isn't that considered a matter for the individual conscience to determine?

The Court: He has already said that.

Q. Have you ever seen alcohol of any kind served at the Bethel table? A. No, sir.

Q. Has that ever been permitted or indulged in? A. Never been while I have been there.

Q. Do you recall the occasion when beer was served at the factory at nighttime? A. Yes, sir.

Q. Just state the occasion and what you remember in that regard. A. Well, it was summertime and the heat was great and we were working extra time at night until 9:30, and Judge Rutherford always saw to it that the Family had some sort of refreshment at the close of their night's work before they went to bed. He would serve various things, watermelon and fruit punch.

The Court: So one night he served beer?

The Witness: One night he served beer.

Q. Was food and refreshments brought from the Bethel Home over to the factory each night when they worked late? A. That is right.

Q. And it was on that occasion that beer was brought one night, is that correct? A. Yes, sir.

The Court: Only one night?

The Witness: I recall one night.

Q. If there were others, you don't know about it, is that correct? A. That is correct.

Q. Are you familiar with the rooms of Bethel? A. I have been in many of them.

Q. Are you familiar also with the accommodations that are allowed the members of the Bethel Family? A. Yes, sir.



Q. And are you familiar with the seventh floor, that is, the top floor of the Bethel? A. Yes, sir.

Q. Was there on the top floor—I will ask you this: Is the President's office located there? A. Yes, sir.

The Court: Were you ever in Judge Rutherford's private quarters while he was alive?

The Witness: Yes, sir.

Q. Are you familiar with the house at Staten Island? A. Yes, sir.

Q. Was that house constructed for the purpose of housing artists on the radio? A. It was constructed as the administrative headquarters of the radio station which was erected there.

Q. The Watch Tower Bible & Tract Society organized and maintained a radio station WBBR, did it not? A. That is right.

Q. And where was the transmitter and the studio first located? A. In the vicinity of Huguenot Park, Staten Island.

Q. And was the building constructed there for the purpose of housing the artists and others that would work in the radio station? A. That is right.

Q. Did Judge Rutherford frequently go there for the purpose of making addresses over the radio? A. Yes, sir.

Q. And during what time was that? When was the station created and when was the studio moved from Staten Island to Bethel? A. The station opened up on February 24, 1924, and at that time it was necessary for speakers and artists to travel all the way out to the transmitter itself in order to put on musical and—



The Court: And technicians, and others?

The Witness: Yes, sir, except those that were housed right down there, the technicians.

Q. And were people permanently domiciled at the Staten Island home? A. Yes, sir.

Q. Has there been since that time a Staten Island Family? A. Yes, sir.

Q. During the time that you visited Staten Island during those years did you have occasion to notice the rooms and quarters occupied by the brethren and Judge Rutherford? A. Yes, sir.

Q. Have you noticed whether or not there was any discrimination—

Mr. Bruchhausen: That is a conclusion.

Mr. Covington: I will withdraw the discrimination part.

Q. Based on your observation of the room occupied by Judge Rutherford and the room assigned to the other brethren, was there any better accommodations for him than the other brethren? A. No, sir.

Q. Were the rooms the same in size and in accommodations? A. Judge Rutherford's room was a combination office and bedroom.

The Court: He didn't ask you that. He asked you as to the size. He asked you the size only. When I say something to you, please,—we have been very lenient.

Mr. Covington: I am trying to get out the facts.

The Court: What is the size of Judge



Rutherford's room compared to the other brethren? That is the question you are asked.

The Witness: That room is a little larger than some of the rooms, but not all.

The Court: There are some of the same size and that is larger than some others?

The Witness: That is right.

Q. Some are as large, as large as that, is that correct? A. Yes, sir.

Q. Did it have any other—It had a bed in it, of course, did it not? A. Judge Rutherford's bed fitted up into the wall. He let it down at night to sleep in.

Q. It had a desk in it? A. Yes, sir.

Q. The rooms of the other brethren had beds in them, did they not? A. Yes, sir.

Q. Were they the folding kind that came down from the wall? A. No, they were single beds.

Q. Did each room have a dresser in it and a chair and such accommodations as are usually found in bedrooms? A. Yes, sir.

Q. And all the rooms were the same, is that correct? A. Yes, sir.

Q. That is in reference to the fixtures and accommodations

Mr. Bruchhausen: He didn't say that, if your Honor please. That is putting words in his mouth and I move to strike out the answer.

The Court: Yes, strike out the answer.



Q. The seventh floor at Bethel, the quarters occupied by Judge Rutherford, did he have a bedroom also at Bethel? A. Yes, sir.

Q. Is that the same size as the other rooms of the boys at Bethel? A. There is a diversity of size in the rooms at Bethel.

Q. Have you ever been in the room occupied by O. R. Moyle while he was at Bethel? A. Yes, sir.

Q. Between the room occupied by Mr. O. R. Moyle and that occupied by Judge Rutherford, which is the larger? A. The one occupied by Mr. and Mrs. Moyle.

Q. And did that face on the river or on Columbia Heights? A. That looked out over the River and Harbor.

Q. And did Judge Rutherford's room face the River or Columbia Heights? A. Columbia Heights.

Q. There are other bedrooms, are there not, on the seventh floor? A. Yes, sir.

Q. Are not those rooms—I will ask you this: Is there any difference between those rooms and the rooms in the other part of the house, as far as size and accommodations are concerned? A. There are about the size of Judge Rutherford's room—

Q. Do they all have beds and dressers in them? A. Yes, sir.

Q. And chairs? A. Yes, sir.

Q. Did Judge Rutherford have more than one bedroom? A. No, sir.

The Court: Did he have more than one room?

The Witness: No, sir.



Q. He had an office, did he not, on the seventh floor? A. He had his own personal office and his secretary's offices.

Q. And in the secretary's offices, they were across the hall? A. Yes, sir.

Q. And he had his bedroom and the secretaries' bedrooms on the floor? A. That is right.

Q. There is room for the whole office force to live on the seventh floor, isn't that correct, A. Yes, sir.

Q. After the discontinuance of the use of the Staten Island Place by the radio studios has the house and was the house continued to be used for the purpose of housing the brethren that live at Staten Island? A. Yes, sir.

Q. Was there a garden created at Staten Island for the purpose of feeding the Family? A. Quite an extensive one.

Q. And do not members of the Bethel Family live at Staten Island for the purpose of growing food for the other members of the Family at 124 Columbia Heights? A. Yes, sir.

Q. That has been quite a large force, has it not? A. Yes, sir.

Q. And there is then a family known as the Staten Island Bethel Family, is that correct? A. Yes, sir.

Q. On the occasion when Judge Rutherford visited the State Island Bethel Family, did he preside at the head of the table, and eat at the same table as the other boys? A. Yes, sir.

Q. Were the rooms in the house occupied by other brethren that worked at the Family? A. Yes, sir.

Q. This room that Judge Rutherford had as his

office and bedroom at Staten Island, was that continued to be held for him when he had occasion to be at Staten Island to do work? A. Yes, sir.

Q. And did not Judge Rutherford do his writing at Staten Island when he was there? A. Yes, sir.

Q. When I say writing, I refer to the work on the "Watch Tower" magazine and the various books and pamphlets and booklets that were written and published by the Society. A. Yes, sir.

Q. Were not some of those books and "Watch Towers" written there? A. Yes, sir.

Q. After the radio was moved away did Judge Rutherford continue to occupy his same room?

The Court: At Staten Island?

Mr. Covington: Yes.

A. Yes, he did.

Q. And his quarters then are substantially the same as the other brethren at the Staten Island—

The Court: That is a conclusion.

Mr. Covington: All right.

Q. You are familiar with the Bethel rules, are you not? A. Yes, sir.

Q. You are familiar with the rules in reference to marriage, are you not? A. Yes, sir.

Q. Do you know what the rules say with reference—

The Court: We have been all over this. The rules are in evidence. We have had a full explanation from somebody else about marriage.

Q. In the letter—



The Court: Haven't we?

Mr. Covington: Yes.

Q. You know that many members of the Bethel Family have been permitted to marry and remain in the Bethel Home and bring their wife or husband with them, haven't you? A. Yes, sir.

Q. On the question of marriage, have you ever noticed any discrimination on the part of Judge Rutherford? A. No, sir.

Q. Can you mention any cases within your knowledge where persons have married and been permitted to become members of the Bethel Family, that is, bring their married partner into the Bethel Home and become a member of the Bethel Family? A. Yes.

The Court: They could, as long as they got permission from Judge Rutherford?

The Witness: Yes, sir.

Q. What individuals are there, outside of the case of Bonnie Boyd, that has been mentioned? A. Mr. and Mrs. Wise, Adam Donald and his wife, Ernest Low, Waldemar Schmidt, and John Bogard.

The Court: Who were members of the Family, the men or the wives?

The Witness: The men.

The Court: The man was the member of the Family and he married somebody outside of the Family and brought them in?

The Witness: Yes, sir.

The Court: Do you know any other women besides Bonnie Boyd, that got married and brought their husbands in?

The Witness: No, I do not.



The Court: Did you check the records before you came in?

The Witness: No, I did not check them.

Mr. Covington: We will produce the witness that has those records.

Q. Do you know whether or not Judge Rutherford was willing to take suggestions in reference to matters of policy or any other things affecting the Society? That is to say, would he consider the suggestions of others and if he did did he assume a dictatorial attitude, or what sort of an attitude?

Mr. Bruchhausen: I think we have been all over that.

The Court: Objection sustained. He may tell if he wants to if he made any suggestions, but I do not see how you would expect him to testify what the 200 people did, if anything.

Mr. Covington: Only what he knows is what I am calling for, and if he does not know he can tell.

The Court: I will permit him to tell as far as his own experiences are concerned.

The Witness: In my capacity—

The Court: Your own experiences, only. Did you hear me?

The Witness: Yes, sir.

In my capacity as proofreader on occasions Judge Rutherford would submit to me his manuscripts on a "Watch Tower" article. This was preliminary to its going through the regular order in the office for publication. He would ask me to read it very carefully and to check it and study it



over, and then make comments and suggestions on it, and I would do so and occasionally I would have suggestions to make. He would consider those. He would make changes in his manuscripts and incorporate the suggestions.

The Court: How many times did you make suggestions to him, so the jury will have it?

The Witness: Those were numerous times, sir.

The Court: Tell them if you know.

The Witness: Since 1927.

The Court: Would you say you made suggestions how many times?

The Witness: I could not say. The last I recall—

The Court: I did not ask you that. Now,—

Q. Now, do you know the plaintiff O. R. Moyle? A. I do.

Q. How long have you known Mr. Moyle? A. Since his coming to Bethel.

The Court: You knew him all the time he was at Bethel?

The Witness: Yes, sir.

Q. Do you know whether or not when he came to the Bethel Family Judge Rutherford assigned to him certain of the matters that the Judge himself had been handling? A. As far as I observed—

The Court: You don't know then.

It has already been testified to by Mr. Moyle, hasn't it, that he was?

Mr. Covington: Yes.



Q. Do you know whether or not when Mr. Moyle came that he assigned Mr. Moyle to certain legal duties that the Judge had been handling himself? A. I observed him doing it.

The Court: You observed Moyle doing the job, is that what you mean?

The Witness: Yes, sir.

The Court: So you don't know whether Judge Rutherford assigned it to him or not?

The Witness: No, I was not personally present.

The Court: Then don't tell us.

Q. During the time that you knew Mr. Moyle did he ever evidence or state to you his dissatisfaction of any conditions at Bethel? A. I recall none.

Q. When was the first time that you learned that Mr. Moyle had any objections to conditions at Bethel, and what was the occasion? A. That was on August 8th when the board of directors —August 8, 1939—

The Court: He came into the meeting of the board of directors, which we have heard about.

The Witness: That is right.

Q. Prior to that, had you received any notice from anyone with reference to any complaints that Mr. Moyle had concerning conditions at Bethel? A. No.

Q. Well now, you did not learn it then until Mr. Keller read the letter, is that right, before the board of directors? A. Yes.



Q. I show you a letter dated July 21, 1939, which has been marked as an exhibit and is in evidence, signed by O. R. Moyle, addressed to J. F. Rutherford. I wish you please would glance over that letter.

The Court: Plaintiff's Exhibit 5. You have read the letter many times.

The Witness: Yes, sir.

Q. See if that is the letter that you heard read on that occasion. A. Yes, sir.

Q. When you heard the letter read what was your attitude, if any, and what effect did it have upon your mind? A. Well, it was like a bombshell exploding to me.

Q. Were you surprised at the attitude shown by Mr. Moyle as expressed in this letter? A. Yes, sir.

Q. And when you heard the letter read you had knowledge of the conditions at Bethel as you have described to the jury, did you not? A. Yes, sir.

Q. And when you heard these things read, was your reaction that the letter—

The Court: Let him tell his reaction.

Q. What was your reaction with reference to the charges made in the letter? A. I resented those accusations that were made. I knew they were false.

Q. And based on that knowledge when the matter came up for consideration can you tell what if anything you said and what if anything you remember that anybody else said?

The Court: At the board of directors' meeting?

Mr. Covington: Yes, on August 8, 1939, and Mr. Moyle being present.

A. Well, I listened to others express themselves in condemnation of the letter and one pointed out—

The Court: Did you say anything?

The Witness: I said something.

The Court: Tell us what you said first.

A. Well, I said I agreed with the others that Mr. Moyle did not see the Lord's organization and the proper conduct of a Christian inside of that organization, and that there was something which has been on my mind for quite a while which I could not understand but now I can understand, and I proceeded to relate to Judge Rutherford this—

The Court: In the presence of Mr. Moyle?

The Witness: Yes, sir, in the presence of all. And that at one noontime he had had occasion to speak upon that subject of marriage and showed the boys how that by marrying in this precarious time in the world would be endangering themselves and their spiritual privileges and that according to the Scriptures it was inadvisable to marry now and they would take on a burden and largely incapacitate themselves for the service of the Lord.

The Court: This was before 1939?

The Witness: This was shortly prior to this meeting. This was at the noon-



time. So I went back to the office, and my desk being alongside of Mrs. Moyle, and I sat down. Immediately upon seating myself Mrs. Moyle burst out about this speech of Judge Rutherford and she wound up saying, "If anybody talked to me like that and I wanted to get married, I would tell them to go to Hell," very emphatically, and I told the Judge that now I could understand that there was dissatisfaction and brooding under the surface on the part of the Moyles.

Q. Did you on that occasion condemn the statements in Mr. Moyle's letter as being false and full of lies? A. Yes, sir.

Q. What, if anything, did the other members of the board of directors say, if you remember? If you don't recall all the statements made by each member then tell what you do remember.

The Court: When Moyle was present?

Mr. Covington: That is understood.

A. Yes. They quoted Scriptures showing that Mr. Moyle had taken the un-Scriptural course and then I recall Mr. Heath turning to Mr. Moyle and he said, "Let me ask you a question. Are you a Jesuit?" And Mr. Moyle said—

The Court: What do you mean by Jesuit?

The Witness: A Jesuit priest.

The Court: A Jesuit priest.

The Witness: Yes.

The Court: What is understood by the word "Jesuit"?



The Witness: It is defined in the dictionary, because of the reputation of the Jesuit priests throughout the centuries, the dictionary defines it as that which is very covert and sly and cunning, insinuating itself to accomplish an evil purpose.

By Mr. Covington:

Q. Was anything else said by anybody else that you remember?

The Court: All in the presence of Mr. Moyle.

A. The committee was appointed. It was recommended that a committee be appointed to go over Mr. Moyle's letter and to draw up a resolution, and that was done, and then we voted on that, each one being asked individually his position with respect to the resolution. Also Judge Rutherford accorded to Mr. Moyle the right to speak for himself, but he said he had nothing more to say. Then after the passing of the resolution, Judge Rutherford made his own remarks on the letter, answering the letter point by point.

Q. Did you believe that the letter was false? A. Yes, sir, I knew it was false.

Q. And when you voted on the resolution, you of course believed that the resolution stated the correct attitude of the board, did you not? A. Yes, sir.

Q. Did it state your attitude? A. It did.

Q. After the meeting was adjourned, that is to say, the Board of Directors, was this letter



brought before the Bethel Family at the dinner table? A. It was.

Q. And was a vote taken at the dinner table? A. Yes, sir.

Q. And what happened at the dinner table as you best remember it on August 8, 1939? A. Judge Rutherford had his secretary, Mr. Keller, to read the letter, and then comments were made by members of the family, and Judge Rutherford made some comments on it. I particularly remember his comment regarding the use of the word "Bacchus" by Mr. Moyle, and he pointed out that that was taken from Demonism, and then Judge Rutherford asked Mr. Moyle whether he had anything to say, and he said "The letter spoke for itself." And then Mr. Moyle was given notice to vacate the premises.

Q. Did the whole family take a vote—

By the Court:

Q. You took a rising vote, didn't you? A. That is right.

Q. Everybody rose but the three Moyles, is that right? A. That is right.

By Mr. Covington:

Q. Do you recall a meeting of the various members of the Board of Directors on or about September 21, 1941? A. Yes, sir.

Q. And what was the occasion of that meeting? A. It was rather an informal meeting—

The Court: Is this 1941?

Mr. Covington: I mean 1939.

A. (Continued) —and Judge Rutherford told us he invited us over because of the develop-



ments of matters with regard to Mr. Moyle; that the information had come to the office in the regular channels that the letter of Mr. Moyle was being circulated by his sister—

Mr. Bruchhausen: I don't see how this is binding, if your Honor please. The plaintiff was not present.

The Court: Objection sustained.

Mr. Covington: It is only on the matter of notice and privilege and belief, that is all, not for any other purpose.

Mr. Bruchhausen: It is self-serving.

The Court: I assume that you want to introduce evidence concerning the article of October 15th?

Mr. Covington: October 15th and the September 21st meeting is the basis of the article "Information."

By the Court:

Q. As a result of that meeting, was this article referred to as the October 15th article drawn up and signed by each member of the Board of Directors? A. Yes, sir.

Q. And did you sign it? A. I signed it, sir.

By Mr. Covington:

Q. What information was before the members there present with reference to the activity of O. R. Moyle in Wisconsin?

Mr. Bruchhausen: I object to that.

The Court: I will permit him to answer what information he had.

Mr. Bruchhausen: Exception.



Q. What information you had on the occasion of that meeting. A. Judge Rutherford had the letters to which he referred on the table before him—

By the Court:

Q. And he showed them to you or read them? A. He showed them to us. Then also members from the office, Mr. Sullivan and Mr. Knorr, they referred to this information coming through the office channels.

By Mr. Covington:

Q. We referred to the letters that have been identified in evidence as Laura and Leland Rouse letters, Exhibits M, N and O. Did you see a letter like that, referring to the Horican company (handing to witness)?

The Court: Showing him Defendants' Exhibit O.

A. No.

Q. Did you see a letter like that that had been signed by Leland and Laura Rouse? A. I do not recall, sir.

Q. You do not recall? A. No.

Q. But there was letters on the desk and the Judge was describing these letters, is that right? A. That is right.

Q. I hand to you the article entitled "Information" in the October 15th "Watch Tower" of 1939, Plaintiff's Exhibit No. 1, and ask you to look at that, please (handing to witness).

The Court: He has seen it before.

Q. You have seen that, have you not? A. Yes, sir.

Q. Did you sign that? Is that your signature there? A. It is.

Q. And when and where did you sign it? A. Right there in the office. Judge Rutherford invited us—

By the Court:

Q. At the September 21st meeting of the Board of Directors? A. Yes, sir.

By Mr. Covington:

Q. Did you believe the statements contained in that article entitled "Information" to be true? A. I did.

Q. And why did you sign that article, for what purpose?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained.

Mr. Covington: We offer it on the matter of privilege, your Honor.

The Court: He said he believed it and he did sign it. If you ask him why, I do not think it is competent here.

Mr. Covington: For the purpose of showing privilege—

The Court: The article speaks for itself, and his signature on it speaks for itself.

Q. On the facts that you had before you at the time you signed this article on or about September 21st, did you believe and see a need that the brethren in Wisconsin and the other



places have this information presented to them? A. I did.

Mr. Bruchhausen: I object to the question.

The Court: He has answered. I will permit it.

Mr. Bruchhausen: Exception.

Q. What is your answer? A. I did.

Q. Do Jehovah's Witnesses look to the Watch Tower Bible & Tract Society for information of and concerning the activity of its ministers? A. Certainly.

Q. Do Jehovah's Witnesses look to the Watch Tower Bible & Tract Society and the "Watch Tower" magazine to keep them advised as to the falsity of any of its ministers? A. Yes, sir.

Q. And to expose those that are professing to be with the Society— A. Yes, sir.

Q. (Continued): —and working against its interests? A. Yes, sir.

Q. When you signed this article, did you believe that Jehovah's Witnesses desired to have the information contained in it?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. He has already answered that.

Q. At the time you signed this article, did you have any feeling of malice or revenge or any other such feeling in your heart against Mr. Moyle?

Mr. Bruchhausen: I object to that.



The Court: I will permit him to answer.

A. I did not.

The Court: Give the plaintiff an exception to every adverse ruling, and the defendant the same thing.

Q. What was your feeling and attitude towards Mr. Moyle at that time?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. He testified there was no malice.

Q. Did you believe the comment or the statement in the article that Mr. Moyle was a Judas and had acted the part of a Judas when you signed this article? A. The article presents—

Mr. Bruchhausen: I object, if your Honor please. That calls for a yes or no answer.

The Court: That calls for a categorical answer, sir.

Q. Did you believe it? A. Yes, sir.

Q. Did you believe that you should describe his actions as a Judas at the time you signed it?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Q. Did you believe that the statements contained in the article entitled "Information" were fair comment of and concerning the action of Mr. Moyle described in the article? A. Yes, sir.



Mr. Bruchhausen: I object to it.

The Court: Objection overruled.

Mr. Bruchhausen: Exception.

The Court: The answer will stand; exception to the plaintiff.

Q. Did this article contain an honest expression of your opinion?

Mr. Bruchhausen: I object to the question.

The Court: Objection overruled; exception to the plaintiff.

A. Yes, sir.

Q. You knew at the time you signed this matter that Mr. Moyle had been trusted with confidential matters for the Society for four years, did you not? A. Yes, sir.

Q. Did you believe that he assaulted and maligned those that trusted him? A. Yes, sir.

The Court: He said he believed the whole of it.

Mr. Covington: All right, I won't indulge in more detailed specifications.

Q. Did you sign that article voluntarily, Mr. Franz? A. I did.

Q. What was the first use stated to be made of the article entitled "Information"—I withdraw that. Was Mr. Howlett present on that occasion that you recall?

The Court: That is at the September 21st meeting.

A. No, I don't recall.

Q. If he was, or regardless of that, do you re-



call whether or not there was any discussion about the need of sending someone to Wisconsin to discuss this matter with the brethren there?

Mr. Bruchhausen: I don't see how that is binding.

The Court: Objection sustained. The man went to Wisconsin. He was sent there. There is no question in this case about it.

Q. Do you know that Mr. Howlett was sent to Wisconsin? A. Yes, sir. I understood he was to go.

Q. And was he to take the article entitled "Information"? A. Yes, sir.

Q. Was that understood? A. Yes, sir.

Q. Why did you believe that it was necessary for Mr. Howlett to go to Wisconsin?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: We except.

Q. Was O. R. Moyle an ordained minister of the Watch Tower Bible & Tract Society from 1935 to July 21, 1939? A. Yes, sir.

Q. Did he ever preach and make speeches publicly at any congregations that you recall? A. Yes, sir.

Q. Was he widely known throughout the United States among Jehovah's Witnesses as a minister of the Watch Tower Bible & Tract Society? A. Yes, sir.

Q. Do you know whether or not he was regarded highly as holding a position of confidence and close relationship in the organization? A. He was regarded highly.



Q. Do you recall seeing the article "Snares" that appears in the November 15, 1939 "Watch Tower," an article entitled "Snares"? A. Yes, sir.

Q. Was that before or after it was published, Mr. Franz? A. It was delivered to the proofreading department—

The Court: Was it before or after it was published?

The Witness: The article "Snares"?

Q. Yes. Did you see it before? A. This was before it was published.

Q. You had occasion to proofread it, did you not? A. That is right.

Q. Did you believe the statements contained in that article to contain the truth? A. Yes, sir.

Q. And in proofreading it, did you proofread it with reference to the scriptures quoted and cited? A. Yes, sir, according to my instructions as a proofreader.

Q. What were your duties and instructions as a proofreader in reference to these leading articles in the "Watch Tower" magazine? A. To check them over as to their Scriptures, to see that the Scriptures were properly quoted, that the citations were correct, and to see that the information in general was all up to date.

Q. Who wrote the "Snares" article? Who was the author of it? A. As far as I know, Judge Rutherford. It was his style.

Q. And you knew at that time that it was the policy of Judge Rutherford to write the "Watch Tower" articles, did you not? A. Yes, sir.

Q. And in checking it, you believed it to be his writing, is that correct? A. Yes, sir.

Q. Did any member of the Board of Directors or the defendants in this case, outside of yourself, have anything to do with the checking of the "Watch Tower" article "Snares" before it was published? A. No, sir.

Q. Did you have any authority to make any changes in the contents of that article without consultation with Judge Rutherford? A. No, sir.

By the Court:

Q. Did you have any consultation on this article "Snares"? A. No, sir.

Q. I mean consultation with Judge Rutherford. A. No.

By Mr. Covington:

Q. Did you believe the contents of that article to be true?

The Court: He has already answered that.

Mr. Covington: I am sorry, your Honor, I did not intend to do that.

Q. Was the article entitled "Snares" also published for the purpose of advising Jehovah's Witnesses against those that were working deception and falsity amidst Jehovah's Witnesses? A. That is what the article itself stated.

Q. Did you believe that Jehovah's Witnesses looked to the Watch Tower Bible & Tract Society to provide such information to them? A. Yes, sir.

Q. Did you regard it the duty of the Watch Tower Bible & Tract Society to bring such information to Jehovah's Witnesses at large?



Mr. Bruchhausen: I object to it.

The Court: Objection sustained.

Q. Mr. Franz, can you tell whether or not loyalty to the organization on the part of the ministers is one of the important if not the main bulwark of the strength of the Watch Tower Bible & Tract Society and Jehovah's Witnesses? A. Yes, it is, loyalty to Jehovah God with the whole heart, mind, soul and strength—

The Court: It is a very simple question. The answer is "Yes, it is."

Q. That also includes loyalty, does it not, to all the current truths that are stood for by the Society? A. Yes, sir.

Q. And the current publications? A. Yes, sir.

Q. What Scriptural admonition or authority does the Watch Tower Bible & Tract Society follow in reference to those that cause division and offense in the organization? A. The Society marks them, points them out, just as the Apostle Paul did in his Epistles to Timothy, the First and Second Epistles. He names five men, and he warns the brethren against them and their evil works.

Q. Those given men having been associated with the Apostle Paul, is that right? A. Yes, sir.

Q. Does the Watch Tower Bible & Tract Society and Jehovah's Witnesses regard it that the same policy should be followed in the organization today? A. Yes, sir.

Q. What rule of conduct is prescribed by the Bible and followed by Jehovah's Witnesses and the Watch Tower Society for the conduct of its ministers that might have complaint against his



brethren concerning the conditions in the organization?

Mr. Bruchhausen: I object to the form of the question. I don't know whether it is Watch Tower or Bible, or both.

The Court: The objection is sustained. Reframe your question.

Q. What rule of conduct is prescribed by the Watch Tower Bible & Tract Society and Jehovah's Witnesses with reference to the steps to be taken by those who have cause for complaint against the organization or the brethren, the ministers. A. There are two. Judge Rutherford pointed out at the table that he will hear no accusation against anyone except first the accused one be brought before him and accuser and accused face one another, and then he will hear both sides. And this referred to Deuteronomy, the 19th chapter, the 16th to the 21st verse, making this the rule of God. Then the word is in Matthew, the 18th chapter, the 15th to the 17th verses, that if any individual has been sinned against by his brother, he should go to his brother alone and talk the matter over with him to straighten it out. If his brother refused to hear him, then he should take witnesses, one or more witnesses, and go to the brother and try to be reconciled. And then if this failed, he should bring it to the notice of the congregation or church, and if the trespasser failed to heed the church, then he should be treated as a publican and a heathen.

By the Court:

Q. Is that what Judge Rutherford said? A. Yes, sir, that is the Scriptural rule he quoted.



By Mr. Covington:

Q. And is that the policy that is universally followed in the organization known as Jehovah's Witnesses? A. Yes.

Q. And also in the Watch Tower Bible & Tract Society? A. Yes, sir.

Q. In what respect did Mr. O. R. Moyle—I will ask you, did Mr. O. R. Moyle violate that policy in dealing with the family and Judge Rutherford?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We except.

Q. I will ask you if Mr. Moyle complied with that policy.

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Q. Did Mr. Moyle offer any evidence or proof of the charges that he made at any time outside of his own letter?

The Court: He has already testified that he did not.

Mr. Covington: That is all, thank you. Your Honor, I would just like to say this thing: I would like to show what the answers would be—

The Court: I won't permit that. Your exception will take care of the record. That is not the way we do things in New York.

Mr. Covington: I want to make an offer of proof.

The Court: Mr. Seelman will tell you



that your exception takes care of your record.

*Cross-examination by Mr. Bruchhausen:*

Q. You were a stool pigeon for Mr. Rutherford, were you not? A. No, sir.

Q. Didn't you go around to Staten Island and all these places with him? A. I have been to a number of places with him.

Q. On this Staten Island place, they had a number of buildings, didn't they? A. Yes, sir, at present.

The Court: We are talking of 1939, up until August 8, 1939.

The Witness: Yes.

Q. At that time Rutherford had his own building, didn't he? A. No, sir.

Q. You have referred to him as "Judge Rutherford," have you not? A. Yes, sir.

Q. Have you any evidence that he was ever elected a judge? A. Yes, sir. He told us himself how it came about.

Q. Have you any evidence that he was ever elected a judge?

Mr. Covington: Let him answer the question.

The Court: He has asked him if he had any evidence. The answer calls for yes or no. Did you have any evidence?

The Witness: His word for it.

Q. Did you ever see any certificate from any court in this country showing that he was a judge? A. No.



Q. Did you ever go to any court to find out whether he was ever elected a judge? A. No.

Q. Did you ever see him sit as a judge in any court? A. No.

Q. And you have known him since 1914, haven't you? A. Yes, sir.

Q. What year do you claim he was a judge? A. At the time he was called Judge Rutherford, when I first knew him.

Mr. Bruchhausen: I move to strike out the answer.

The Court: He said "he was called." Strike it out. It is not responsive. Let us hear how you know he was a judge.

The Witness: Just by the advertising that was given him when he gave Bible lectures. He was always advertised—

The Court: He advertised himself? You prepared that advertising, didn't you?

The Witness: No.

The Court: Or members of your Society?

The Witness: Evidently the Society did.

Q. You mean that he was a judge because the Watch Tower advertised him as a judge in their books and over the radio and so forth, is that it? A. I don't know.

The Court: All right, I will ask you the question: What did Judge Rutherford tell you about his being a judge or his having been a judge?

The Witness: He told us how out in Missouri, when they have a vacancy in a judgeship, that the body of lawyers get

together out there and they elect a judge temporarily.

The Court: How long did he tell you he had been a judge?

The Witness: Over a limited period.

The Court: Over thirty days?

The Witness: I don't recall.

The Court: A very short period?

The Witness: Yes.

The Court: In other words, he was a temporary magistrate, is that what you want us to know?

The Witness: Yes.

The Court: And he carried the title for the rest of his life?

The Witness: Yes, sir.

Q. As a matter of fact, it was only four days, wasn't it? A. I think there were four occasions when he served as such.

Q. Four occasions on four days? A. I presume so.

By the Court:

Q. Do you know what court he sat in for four days? A. No, I don't recall.

Mr. Covington: Your Honor, if it will do the Court any good, I could make a statement as to what I know.

The Court: I do it to clear up the matter. Go ahead and make the statement.

Mr. Covington: I might say it was in the Circuit Court at Booneville, Missouri, where Judge Rutherford resided.

The Court: How long?



Mr. Covington: I don't know the time. It was four days on four separate occasions. It was a special judgeship.

The Court: And he carried the title all the time since that?

Mr. Covington: That is right. He was referred to by the lawyers—

The Court: That statement is stricken out. As a matter of fact, I happen to know the story myself, and I could make a statement on it. I have tried cases in Missouri at various times as a lawyer.

By Mr. Bruchhausen:

Q. I take it, it is conceded he was never elected to office as a judge?

The Court: We have had enough on that.

Q. You said something about this "fill the earth" doctrine—if I state it incorrectly, you can tell me—that you found was not properly stated by Pastor Russell, and you had occasion to change it, is that correct? A. He never called attention to that, sir.

Q. You did change it, didn't you? You changed the statement that Pastor Russell was using on that? A. Oh, no.

Q. There was some statement that you did change that was carried on by Mr. Russell? A. The Lord God was the one who opened up the Scriptures to our understanding to see that in the Bible for the first time.

By the Court:

Q. Had it been there before and you had not come across it? A. That is right.



Q. In other words, it had been in the Bible for many, many years? A. That is right.

Q. And you had not come across it? A. That is right.

Q. And when you came across it, you changed your doctrine? A. We advanced.

By Mr. Bruchhausen:

Q. So it took twenty years after Mr. Russell died to find out that it ought to be changed, is that right? A. In the Lord's time.

Q. And you were there all that twenty years, were you not? A. Yes, sir.

Q. Were you proofreading all that time? A. Yes, sir— no, not all that time. Since 1927.

By the Court:

Q. You told us you checked every article that was prepared? A. Yes.

Q. And you had not come across this other one until the Lord advised you? A. That is right.

Q. And the Lord advised you about 1938 and the Lord opened your knowledge to it? A. That is right.

By Mr. Bruchhausen:

Q. Did I understand you to say that Jehovah's Witnesses or their doctrines are not a religion? A. Yes, sir.

Q. You distinguish between what they profess and what organized churches profess, don't you? A. Yes, sir.

Q. Do you call the religion of organized churches a religion because it is an organization, is that it? A. No.



Q. If they have a profession in churches and profess to read the Bible and state doctrines in it, isn't that some profession of faith? A. That is their creed.

Q. And you also profess to use the Bible and state some profession of faith, don't you? A. Yes, sir.

Q. In that respect, they are both the same, aren't they? A. No, sir.

Q. How is the profession of faith by a church different from the profession of faith by Jehovah's Witnesses. A. Because a religious organization has a fixed creed which represents that which is established as a doctrine of the church and from which it does not change.

Q. Don't you have some fixed creeds that don't change? A. The Bible is our creed, and as the Bible opens up, we get a clearer understanding of it.

By the Court:

Q. The Bible does not change, does it? A. No.

Q. In other words, when you get to it or when it opens up to your mind? A. Yes, sir.

Q. It is always there and it is always the same thing? A. Yes, sir. The text does not change.

By Mr. Bruchhausen:

Q. So that the difference between the two now is that one never changes their creed and you do, is that it? A. Yes, sir.

Q. Is there a further difference or distinction that you make between your group and churches, that one is organized, is that it? A. No. It is



the doctrines which are based upon the traditions of men.

The Court: Read the question to him.

(The question was repeated by the stenographer as follows):

"Q. Is there a further difference or distinction that you make between your group and churches, that one is organized, is that it?"

The Court: The answer is yes or no. If you cannot answer it yes or no, tell us.

The Witness: Organization, is that the question?

The Court: We will read it again to you.

(The question was again repeated by the stenographer.)

The Witness: Yes.

Q. That is one of the distinctions, is it not? A. Yes, sir.

Q. And you do in your group preach against organized religion; you use that term, don't you? A. Yes, sir.

Q. And what do you understand by the word "organization"? A. It is the organizing of men, particularly the official part, according to religious creed, to carry on a religious practice and work.

Q. The Watch Tower is not an organization, I assume? A. It is an organization.

Q. It is an organization? A. Yes.

Q. So in that respect, churches and the Watch Tower have something in common; they are both organizations? A. Yes.



Q. So that the only difference that you have now is that one has a fixed creed and one has not? A. That is not the only difference.

Q. What is the other difference? A. The manner of organization, the work of the organization.

Q. Let me ask you about the manner of organization: What criticism have you got against churches in their manner of organization? A. They are not organized in the Theocratic manner.

By the Court:

Q. You mean from the top down? A. Yes, sir.

Q. They are organized from the bottom up? A. From Jehovah, the great Theocrat, down.

By Mr. Bruchhausen:

Q. Yours is organized from the top down and the other is from the bottom up, is that it? A. Yes, sir.

By the Court:

Q. All other religions are organized, in your judgment, from the bottom up? A. Yes, sir.

By Mr. Bruchhausen:

Q. And then there was no real faith or religion before the Watch Tower people came on the scene, is that it? A. No faith or religion? There was—

Q. No proper professions of faith until the Watch Tower got on the scene? A. Oh, no.

Q. What was the condition of the people before Watch Tower came in? A. Great religious confusion; hundreds of sects.

Q. So the Watch Tower has cleared that all up, is that it? A. By the Lord's grace.

Q. And this development of this group of yours from the top down came by organizing the corporation in Pennsylvania, didn't it? A. Oh, no.

Q. You mean it was organized before you had a corporation? May I see those by-laws?

Mr. Covington: Here is the Pennsylvania charter (handing to Mr. Bruchhausen).

Q. Was it organized before you went to the Secretary of State's office in Harrisburg, Pennsylvania? A. Yes, sir.

Q. To comply with the law? A. Yes, sir.

Q. How long before that was it organized? A. The "Watch Tower" magazine began to be published in 1879, and Christians associated with Pastor Russell were getting together for Bible study, and they were also circulating literature, a great amount of literature, before ever the Watch Tower Bible & Tract Society was incorporated according to the laws of the State of Pennsylvania.

Q. Do you recall from your knowledge of this organization that Pastor Russell had the theory on this that there should be seven directors that have charge of the outfit?

Mr. Covington: That is a very improper question, if your Honor please.

The Court: Objection sustained.

Mr. Bruchhausen: Of the Society.

The Court: Objection sustained.



Q. You knew that up to the time of 1918, that it was Pastor Russell's arrangement to have seven directors take care of this Society, don't you? A. That was according to the laws of the state.

By the Court:

Q. According to the laws of the state in which you were incorporated? A. The laws of the State of Pennsylvania.

By Mr. Bruchhausen:

Q. Don't you know that a by-law was brought in to give Mr. Rutherford full control instead of the directors? A. No, I don't know that.

Q. Did you know that four directors were ousted at the time that Rutherford was appointed? A. That is not true.

Q. Do you know Mr. Hoskins? Did you ever hear of his name? A. I may have seen him. I have heard of his name, but I haven't had personal touch with him.

Q. Did you ever see the letter of Mr. Mason at the time Mr. Rutherford was an aspirant for the office of president, complaining about the conditions there? A. I cannot say that I did. I was in Cincinnati at the time.

Q. You did hear that there was some activity or a contest, didn't you? A. Yes, sir.

Q. Do you know that four directors withdrew? A. They did not withdraw.

By the Court:

Q. What do you say happened?

By Mr. Bruchhausen:

Q. What happened to them? A. They were



not directors according to the law of the State of Pennsylvania.

Q. The point raised by Mr. Rutherford was that they were not directors because they were not actually present in the State of Pennsylvania when the election was held, is that correct? A. No, sir.

Q. Or that they were not residents of the State of Pennsylvania? A. No, sir.

By the Court:

Q. Well, what is the point? A. The point is this: That according to the laws of the State of Pennsylvania, the directors have to be elected annually, and these men had not been elected annually.

By Mr. Bruchhausen:

Q. That was the claim of Rutherford? A. It wasn't the claim of Rutherford.

Q. Then, anyway, as a result of it, Rutherford put in his own men, didn't he? A. No, sir.

Q. But there were four other men that came in? A. Yes, sir, and that was according to law.

Q. Then there was a by-law giving Rutherford full authority over the Board of Directors, wasn't there? A. I do not know that.

Mr. Bruchhausen: May I have that by-law that was passed in 1918?

Mr. Covington: I had not heard anything about the by-law until this moment, your Honor.

The Court: If you have not got it—

Mr. Bruchhausen: I will pass that for the moment.



By Mr. Bruchhausen:

Q. You speak of evil servants who make assaults on the Society? A. Yes, sir.

Q. And try to wean away people from your group? A. Yes, sir.

Q. That makes them evil servants? A. It is rebellion against the Lord's organization that makes them evil servants.

Q. Of course, your Society does not try to wean away people from churches, does it? A. It preaches the Gospel of the Kingdom and allows the individual to exercise his own choice.

Q. When your representatives go into these households with a phonograph and the rest of the paraphernalia, you don't walk out when you find out somebody belongs to a church, do you? A. No, sir.

Q. You still continue to play the phonograph? A. Yes, sir.

Q. And you conduct a very active campaign, don't you? A. Yes, sir.

Q. Do you proofread these articles in "Information"? A. Yes, sir.

Q. Do you write them?

Mr. Covington: You say "Information". You mean something else.

Mr. Bruchhausen: "Informant".

The Witness: I have contributed some articles to the "Informant"

Q. I am grievously mistaken. I meant "Informant". A. I have contributed some articles to "Informant" on request.

By the Court:

Q. On request of whom? A. Of the office servant.



Q. Who is the office servant? A. You would call him a manager of the office—

Q. Don't mind what I would call him. Tell the jury, they want to know. A. He is the one appointed to supervise the office and the factory.

By Mr. Bruchhausen:

Q. Did you write this one (indicating)?

The Court: Show him the article.

Q. This is "Informant", which is part of Plaintiff's Exhibit 8. I show you this part on how to play a phonograph in a household (indicating). It is the last column (handing to witness). A. This sub-heading "Phonograph"?

Q. Yes, it is in the last column lower down where I marked a little pencil-mark about the phonograph in the hallway.

By the Court:

Q. Did you write that article? A. No, I did not.

By Mr. Bruchhausen:

Q. Do you know anything about the rules on how to play the phonograph and how to approach these people in the hallways with the literature and the phonograph? A. I have heard instructions.

Q. And they do give very detailed instructions as to what to do in a one-family house, and what to do in a two-family house? A. Yes, sir.

Q. And what to do when you are repulsed? A. Yes, sir.

Q. And then also they do give some rules on what to do if there is an assault that occurs?



Mr. Covington: That is entirely improper, immaterial and prejudicial—

The Court: I think so.

Mr. Covington: And we move for a mistrial on the prejudicial statement.

The Court: Do you want to make a motion? Make the motion.

Mr. Covington: That is the motion.

The Court: Are you serious in the motion for a mistrial?

Mr. Covington: I ask this—

The Court: We will finish one thing at a time. I will be delighted to tell the jury to disregard it.

Mr. Covington: Then that will be sufficient.

The Court: Then do you withdraw your motion for a mistrial?

Mr. Covington: Yes.

By Mr. Bruchhausen:

Q. Then you made the statement, did you not, Mr. Franz, speaking of the Russell group—

The Court: The jury will disregard anything that is stricken out of this record, please.

Q. (Continued) Did you not make the statement on direct examination, speaking of the Russell group, that "They made loud protestations in favor of Russell." Have you any complaint about that? A. No. I merely stated that as descriptive of them.

Q. Well, did you condemn the Russell group because they protested? A. I wouldn't condemn them.

Q. Didn't you become opposed to them because they protested? A. For Brother Russell? No.

Q. You were, I take it, opposed to the Russell group, were you not? A. Repeat that?

Q. Were you not opposed to the Russell group? A. We let them alone.

Q. Well, you complained about their loud protestations, didn't you? A. Of personal loyalty to Pastor Russell.

Q. And weren't you very active in support of your protestations against the Russell group? A. We merely called attention to the fact that Pastor Russell nor any other man was to be followed, but the Lord was to be followed. He is our leader.

Q. Weren't you, Mr. Franz, and Jehovah's Witnesses so active in their protestations against the Russell group that they printed a magazine called "Harvest Siftings" to put their views in it? A. Yes, they printed "Harvest Siftings."

Q. And that magazine did contain very active protestations about the Russel group, did it not? A. Yes, sir.

Q. So there was considerable agitation on the part of the Rutherford group, both orally and through this magazine, the "Harvest Siftings," protesting against the Russell group? A. Yes, sir—against the evil servant.

Q. Were they evil servants? A. Those who separated themselves from the Society.

Q. Were they evil servants because they followed and advocated the Russell doctrines? A. Because they refused to follow in the Light, adhering to Pastor Russell's teachings and taking that as the all-time standard, and refusing to walk in the advancing light.



Q. When did the advancing light come in, when Mr. Rutherford took hold? A. No, when the Lord Jesus came to the Temple in 1918 for judgment.

Q. He was not there before 1918, was he? A. Not at the Temple.

Q. So he was absent all the time that Russell was there? A. Yes, sir. He had not come to the Temple.

Q. So the founder of this movement, Pastor Russell, did not have Jesus in the Temple, is that it? A. Not in the Temple.

Q. And did Rutherford bring him in in 1918? A. Certainly not.

Q. That is when Rutherford took hold as president, wasn't it? A. No, sir. He became president in 1917.

Q. Well, it was after he had elected this new Board of Directors that Jesus came into the Temple, wasn't it—and that election took place in 1918? A. The annual election took place in January, 1918.

Q. And that is the time when the light came in? A. No. The Scripture chronology indicates that the Lord Jesus came to the Temple in the spring of 1918, not in the winter.

Q. What part of the Bible says that it happened in the spring of 1918? A. The prophecy of Malachi says that the Lord Jesus Christ would come to the Temple, that the Lord God Jehovah would send Him to the Temple and He would institute a purging work of the truth and of the servants of God, and consequently a purging work must follow His appearance at the Temple.



By the Court:

Q. How do you fix the date? A. The date is fixed according to the parallels of the Lord Jesus' First Advent and His Second Advent. In the year 29 A. D. the Lord Jesus Christ was baptized in water in symbol of his consecration—

Mr. Bruchhausen: I object. I am asking for the date.

Mr. Covington: Let the witness finish.

The Court: Yes, let him finish.

A. (Continued): And immediately after being lifted out of the water, the Holy Spirit came upon Jesus, and visible manifestations accompanying, and Jesus was anointed to be the King of God's Theocratic Government, and God used him there, and he immediately began to preach the Gospel of the Kingdom. Then three and a half years after that, the Lord Jesus Christ rode in to Jerusalem, and he immediately went to the Temple and cleared it out of commercial traffickers and those who had no proper business in there. The Scriptures show that there is a parallelism between the Second Advent of Jesus and the First, and the Scriptures show that in 1914 the Lord Jesus Christ was enthroned as King of the world and—

Q. Where do you find 1914 in the Scriptures? A. That is calculated, sir. That is the end of the times of the Gentiles, which is definitely marked.

Q. That is the way you calculate it? A. We furnish the Bible proof for it. And therefore,



according to what the parallel says, three and a half years thereafter from the fall of 1914 would bring it to the spring of 1918, and the Lord Jesus described the conditions that would immediately set in after he would come to the Temple, and those physical facts have followed 1918 spring.

By Mr. Bruchhausen:

Q. Then now do I understand that this Light would have come in in the spring of 1918 no matter who was elected president? A. Yes, sir, regardless of individuals. The individual doesn't count.

Q. Under this Theocratic Government, that doctrine also does not take into its provision any earthly government that exists or any courts or anything like that, does it? A. No, sir, that is entirely from God.

Q. So they don't recognize any duly elected officials of government or courts or anything like that?

Mr. Covington: Your Honor, that is entirely an assumption—

Mr. Bruchhausen: I withdraw that.

Q. I will ask you what is your theory on that? A. The Scriptures show that God would set up His Theocratic Government in the midst of His enemies. In the days of these kings shall the God of Heaven set up a kingdom which shall never be destroyed, it says. The Scriptures show that God lets those governments remain on this earth and He carries on His work in the midst of these governments, and He has



appointed the time, the Battle of Armageddon in which to destroy all the governments that oppose Him and His King and His Gospel work.

Q. So the present government that exists on earth is not part of the Theocratic Government, is it? A. No, sir.

Q. Not recognized at all by Jehovah's Witnesses. A. No, sir.

Q. Rutherford was a director in the Russell regime, wasn't he? A. Yes, sir.

Q. And had been for some time? A. As far as I know.

Q. So he was a director both before and after 1918? A. As far as I know.

Q. I think you said that Jehovah's Witnesses do not attack religionists—didn't you make that statement? A. We do not attack personalities.

Q. You attack the organization, is that it? A. The doctrines.

Q. And you also said that religion is a racket? A. Yes, sir.

Q. So that the organization is a racket, is that it? A. Yes, sir.

Q. And the individuals are not racketeers who participate in these churches and all, are they? A. The official element is.

By the Court:

Q. What do you mean by "official element"? The guiding geniuses of these religions? A. Yes.

Q. The Hierarchy? A. Yes, the Hierarchy, the Clergy.

Q. The Rabbis and the Priests are all racketeers? A. Yes, sir.



By Mr. Bruchhausen:

Q. And then any organization threatening unscriptural punishment is a snare and a racket, is that correct? A. That is right.

Q. But you have condemned this plaintiff in this action to a second death, haven't you? A. We haven't condemned him to that.

By the Court:

Q. You mean he has condemned himself, is that what you want to tell us? A. If an individual persists in his course contrary to the scriptures, we warn him that he will end up in second death.

Q. You warned him? A. Yes, sir.

By Mr. Bruchhausen:

Q. All evil servants wind up that way, don't they? A. That class will.

Q. So as soon as you classify him as an evil servant, he gets into that category of the second death, isn't that right? A. That is right.

Q. Don't you, by labeling him an evil servant, really mete out the punishment of a second death? A. Oh, no.

Q. Or at least call attention to it? A. We warn the individual of the error of his way and of the consequences, the Scriptural consequences.

Q. By pointing out to all your members of Jehovah's Witnesses that this man is an evil servant and he is subject to the second death, you have announced the sentence throughout the world in your "Watch Tower," have you not? A. No, sir, we have not pronounced sentence

upon him, and that "Information" article asks the readers thereof to make a decision between the evil-servant class and Jehovah's Kingdom, and that would apply to any individual, even the one who is going in the erroneous way.

Q. Then you also make the statement, "Religionists of churches are victims of rackets," is that correct? A. That is right.

Q. So that by participating in this organized religion, they become racketeers, don't they? A. No, sir. They are victimized by the racket.

Q. If they are in a group which is presided over by racketeers, and they are people of intelligence and all, they knowingly participate with those racketeers, don't they? A. If they knowingly participate and act as agents, then they become part of the racket.

Q. So the longer they remain with knowledge of the situation, the more they become racketeers? A. The Scriptures tell them to get out or else they will suffer the consequences, the plagues which God will bring upon them for remaining in. They become partakers of the sins. They have a moral responsibility for the sins of the organization when they say it is sins and then they refuse to separate themselves and clear their skirts.

Q. Then also one of the doctrine, as I gathered from you, is that Jehovah's Witnesses pay obeisance to no one, is that correct? A. That is right.

Q. So that standing up at any public ceremony or even in a court-room and all is contrary—

Mr. Covington: I object to this as argumentative.

The Court: Objection sustained.



Q. Then you spoke about the flag salute. As I understand it, you are not opposed—and I speak of you in the way of the Society—to anyone else than Jehovah's Witnesses saluting the flag, is that correct? A. I said that those who are not in a covenant with the Lord to keep His Commandments, they may salute the flag if they choose to do so.

By the Court:

Q. You mean evil ones may salute the flag? A. Those who are not in covenant relationship with the Lord.

Q. What do you mean by that? A. Those who have made a consecration to the Lord to do so will enter into a covenant with Him of obedience. According to His Word, they are bound by His Word, therefore by their covenant, to obey His Commandments contained in the Bible.

By Mr. Bruchhausen:

Q. Do I understand that it is perfectly all right for people who are outside of Jehovah's Witnesses—and you do not criticise it, to salute the flag, is that right? A. That is all right.

Q. You do not object to that? A. We do not object to that.

Q. But you do object to anyone Jehovah's Witnesses doing it, is that it? A. Each individual can proceed according to what he wants, but we can point out what the Scriptures have to say on the matter.

Q. You are against it, the Society is against it? A. Personally, I make my own choice in the matter.



Q. Isn't the Society against it as a group? A. The majority of Jehovah's Witnesses, or all of them, do not salute any flag.

By the Court:

Q. Which is it, the majority or all? A. I would say all of them.

By Mr. Bruchhausen:

Q. So they follow the doctrine of the Society? A. (No answer.)

Q. When you go in with the phonograph to people of good will and those who are saluting the flag, and you get them interested in your doctrine, and they become Jehovah's Witnesses, they cannot salute the flag any more after that, can they? A. They have the information regarding the matter brought to their attention, and they may do as they please.

By the Court:

Q. But if they do, it is a sin, isn't that right? A. It all depends on whether they make a consecration to the Lord.

Q. If they are members of Jehovah's Witnesses and they do it, what is it? A. It isn't a personal restraint. The individual decides to take that course himself.

By Mr. Bruchhausen:

Q. You make mention of carrying out Mr. Russel's will. A. Yes.

Q. Did you ever see a copy of the will? A. I read it.

Q. Don't you know that he made a provision



in his will that his five daughters were to have the right to vote his stock? Did you ever hear of that? A. His five daughters?

Q. Or his children. A. That isn't so.

Q. There were five people, five females mentioned in the will who were to vote his stock, isn't that right? A. That is right.

Q. And that never came about, did it? Those people were not permitted to vote the stock, were they? A. I don't know.

Mr. Covington: Your Honor, I object. The charter is in evidence, and it shows that it is a non-stock corporation. Therefore, there could not be any stock. The charter also shows that the voters only had the right to vote during life, and therefore the votes die with the person holding it. So there is no stock, and he is assuming a matter that is contrary to the charter.

The Court: Objection sustained.

Mr. Bruchhausen: I am sorry, I think I should have said shareholders.

Mr. Covington: There are no shares to hold.

Q. There are contributors. "Each donation of $10 shall entitle the contributor to one non-assessable non-dividend-bearing share." Isn't that a shareholder?

Mr. Covington: Now, counsel—

The Court: Suppose you wait until noontime and you can examine the charter.

Q. There are people who have a right to vote



in this Pennsylvania corporation, isn't that right? A. That is right.

By the Court:

Q. Who are the people? A. Those who have made a contribution of $10 or multiples thereof.

Q. They get one vote for each $10? A. Yes.

By Mr. Bruchhausen:

Q. Pastor Russell had indicated that a certain number of thousands of votes or shares should be voted by five people, didn't he, in his will? A. Yes.

Q. And that was never carried out, was it? A. I don't know.

Mr. Covington: Your Honor, he is getting into a matter that is provided for in the charter.

The Court: I will let him answer if he knows. He said "I don't know."

Q. I understand that you say that in 1931, the Watch Tower discontinued naming the editorial committee, and then Jehovah God became the editor, is that correct? A. Jehovah's editorship was indicated thereby citing Isaiah 54:13.

The Court: He asked you if in 1931 Jehovah God became editor, according to your theory.

The Witness: No, I wouldn't say so.

Q. Didn't you say that Jehovah God became the editor of this paper at some time? A. He was always the One guiding the course of the paper.



Q. Didn't you state that on October 15, 1931, the Watch Tower discontinued the naming of an editorial committee and then Jehovah God became the editor? A. I didn't say Jehovah God became the editor. It was appreciated that Jehovah God really is the One who is editing the paper, and therefore the naming of an editorial committee was out of place.

Q. At any rate, Jehovah God is now the editor of the paper, is that right? A. He is today the editor of the paper.

Q. How long has He been editor of the paper? A. Since its inception he has been guiding it.

Q. Even before 1931? A. Yes, sir.

Q. Why did you have an editorial committee up to 1931? A. Pastor Russell in his will specified that there should be such an editorial committee, and it was continued down till then.

Q. Did you find that the editorial committee was in conflict with having the journal edited by Jehovah God, is that it? A. No.

Q. Was the policy in opposition to what your conception of an editing by Jehovah God was? A. It was found on occasions that some of these on the editorial committee were preventing the publication of timely and vital, up-to-date truths and thereby hindering the going of those truths to the people of the Lord in His due time.

By the Court:

Q. After that, 1931, who on earth, if anybody, had charge of what went in or did not go in the magazine? A. Judge Rutherford.

Q. So he in effect was the earthly editor-in-chief, as he might be called? A. He would be the visible one to take care of that.

By Mr. Bruchhausen:

Q. He was working as God's representative or agent in running this magazine, is that right? A. He was serving in that capacity.

Q. Didn't he have his name on it as editor? A. No, sir.

Q. You said that the magazine does not set forth the opinion of men, and in that connection I call your attention to a resolution in the article "Information" which is signed by you. A. Yes.

Q. Isn't that an opinion expressed by you? A. No, sir.

Q. You signed your name to it? A. I signed my name to it.

Q. Who was it that signed it if you did not sign it or intend to sign it?

Mr. Covington: If your Honor please, that is a confusing statement.

The Court: Objection sustained. You mean you had Divine guidance or guidance from Jehovah when you signed that?

A. I knew the facts.

Q. But you did sign it? A. I did sign it.

Q. You signed it as a man? A. I signed it the first one.

By Mr. Bruchhausen:

Q. In connection with your statement, you say that the "Watch Tower" does not set forth the opinion of men—is that your statement? A. That is right.

Q. This resolution, the alleged libel of October 15th signed by these directors, do you call that an opinion? A. No, sir.



Q. What do you call it? A. It is a statement of fact and truth.

Q. Don't you express an opinion when you vote on something? A. We are guided by the facts, what we know to be the truth and by the Spirit of the Lord.

Q. You took a vote on this among all these directors in this room on August 8, 1939, didn't you? A. Yes, sir.

Q. And were you not expressing your opinion of his guilt or innocence? A. No, it wasn't a pure opinion.

By the Court:

Q. What was it? A. It was expressing my support of that resolution and what it stated the decision that should be taken.

Q. The resolution was not a pure opinion, you say. What was it? A. A declaration of fact of the course of action to be taken.

Q. Was it a judgment? A. No. It was a statement of the Board of Directors there that Mr. Moyle had occupied a confidential relationship with the Society—

The Court: We know what the statement said.

The Witness: It was agreement with facts and as to the course that should be pursued.

Q. Isn't that a judgment? A. As the Board of Directors, we were authorized to recommend action to be taken.

By Mr. Bruchhausen:

Q. Was it an operation of the mind at all? A. Certainly.



Q. And you had to listen to the statements of what you call fact, didn't you? A. Yes, sir.

Q. You were listening to this letter that Mr. Keller read and then you were listening to what Mr. Rutherford said and your mind operated to determine who was right? A. Oh, no. Mr. Rutherford had not commented on the letter.

Q. Did you vote before Mr. Rutherford made any comments? A. Yes, sir.

Q. You voted right after the reading of the letter? A. A committee was appointed to draw up a resolution.

By the Court:

Q. The committee drew up this resolution and you all signed it? A. That is right.

By Mr. Bruchhausen:

Q. So you voted right after the reading of Mr. Moyle's letter? A. As I recall it.

Q. That is the only fact that you had before you? A. Yes, sir, as I recall it.

Q. In your opinion, you voted that he was wrong, is that it? A. Yes, sir.

Q. Wasn't it an opinion? A. No. I knew facts. The letter made certain charges and I knew those charges were not true.

Q. You still subscribe to the statement in the "Watch Tower" that they don't engage in controversy, don't you? A. Yes, sir.

Q. You don't call this article "Information" any controversy, do you? A. No, sir.

Q. Where they mention that Mr. Moyle is guilty and is a Judas and all that sort of thing?

The Court: The article speaks for itself.



Q. And that profession of faith in your "Watch Tower" also says that you don't engage in personalities? A. Yes, sir.

Q. You still subscribe to that? A. I do.

Q. Did you or did you not consider Mr. Moyle a personality? A. He is a person.

Q. And when you talked about him or the Society did in the magazine, weren't you discussing a personality? A. We were not discussing a personality outside of the organization who had taken a course endangering the interests of the Society and endangering the interests of those who were supporting and cooperating with the Society, but we were following the Scriptural course of marking those who cause dissensions and disruptions in the Society.

Mr. Bruchhausen: I move to strike the answer out as not responsive.

The Court: I will let it stand.

Q. Do I understand that the members of Jehovah's Witnesses are not personalities? A. Surely they are personalities.

Q. Up to the time that you published this article of "Information" was or was not Mr. Moyle a personality? A. Certainly.

Q. Wasn't the article "Information" a discussion about a personality? A. About a personality within the organization about which all those subscribing to the "Watch Tower" and supporting it had a right to know.

Q. Can't you give us a short answer as to whether or not you were discussing a personality? A. Certainly, properly so.

Q. You were not present at the hearing in the Magistrate's Court, were you? A. No.



Q. Do you recall in this article "Information" or in the "Snares" article—you subscribe to that? A. Yes, sir.

Q. (Continued) —that Mr. Moyle did not act properly in the Magistrate's Court proceeding, do you recall that?

The Court: I think his testimony is that he only proofread the "Snares" article.

The Witness: That is right.

Q. You say that the "Snares" article is true, don't you? A. I read it later and studied it, too.

By the Court:

Q. And you subscribe to it? A. Yes, sir.

By Mr. Bruchhausen:

Q. And that is true? A. Yes, sir.

Q. And you were not there at the Magistrate's Court hearing? A. No.

Q. They said he was a man-pleaser there? A. Yes, sir.

Q. What is your definition of a man-pleaser? A. A man-pleaser is one who is in covenant relationship with the Lord to serve Him and to glorify His name and to obey Him rather than men, and not have any dealings in the official affairs of this world, and one who violates that and out of fear and reverence of human creatures seeks to please them and thereby violates His covenant, he is a man-pleaser.

Q. Would a lawyer be a man-pleaser if he spoke to his adversary in court?

Mr. Covington: I object to that as argumentative.

The Court: Objection sustained.



Q. You have heard some testimony here that Mr. Moyle made a joke in the Magistrate's Court? A. Yes.

Mr. Covington: The testimony was that McDonald told a joke to him on the outside.

By the Court:

Q. Did you hear the testimony concerning a joke? A. Yes, sir.

Q. And some story about Moyle having put his arm around him? A. Yes.

By Mr. Bruchhausen:

Q. Is that a form of man-pleasing? A. In Mr. Moyle's case it was.

Q. What part of it was the man-pleasing—listening to the joke? A. This part, sir: Mr. Moyle was there in that court not merely as a lawyer, bound by the ethics of the court-room. He was there as a covenant servant of Jehovah God and under bounden duty to defend Jehovah's people, and therefore he was bound by a higher law than court-room ethics, namely, to keep himself unspotted from the world.

By the Court:

Q. You mean he is not supposed to talk or laugh with other people except in the business of defending his clients and his faith? A. Certainly. When an enemy has been pointed out to a person, and then for him to consort with such an enemy, that is unfaithfulness to God.

Q. You mean the other man was an enemy? A. Yes, sir. He was pointed out.

By Mr. Bruchhausen:

Q. So he became a man-pleaser as soon as he went out in the hall and put his arm around his adversary? A. Fraternized with him, yes, sir.

The Court: We are now going to adjourn until two o'clock.

I would like to say to the witness: Refresh your recollection about the 1918 resolution, if there be one, that you have been asked about here, during the noon recess. That is the resolution that is said to have something to do with additional power for Judge Rutherford.

(Whereupon a luncheon recess was taken until two o'clock p. m.)

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AFTERNOON SESSION.

2 o'clock p.m.

(Trial resumed.)

FRED W. FRANZ resumed the stand and testified further as follows:

*Cross-examination (Continued) by Mr. Bruchhausen:*

Q. How old are you? A. 49.

Q. And you became a Jehovah's Witness in 1914, you say? A. Yes, sir.

Q. I assume that you had been graduated from a divinity school? A. No, sir.

Q. You received your education by way of the Watch Tower, so far as this doctrine is concerned? A. Yes, sir, I was a student of the Bible from early on.



Q. And how did you become acquainted with Mr. Rutherford? A. I became acquainted with the publications of the "Watch Tower"—

The Court: He asked you about Mr. Rutherford.

A. I became acquainted with him in his visits to Cincinnati, somewheres around 1914.

Q. You listened to him address the people, an address by him? A. Yes, sir.

Q. And that was the beginning of your acquaintance with him? A. With him.

Q. Have you ever heard of the Canons of Ethics of Lawyers? A. I may have heard of them but I don't know what they are.

Q. Did you ever hear this one—

Mr. Covington: Wait a minute.

The Court: He says he did not know what they are. The objection is sustained.

Q. You know they do have Canons of Ethics? A. Yes, sir.

Q. You never read them? A. No, sir.

Q. You didn't have a copy of the Canons of Ethics before you when you adopted this resolution of "Information"? A. No, sir.

Q. Just referring a moment to the Russell situation, do you know that Mr. Hoskins and the other four directors were residents at Bethel? A. I don't know that. I presume they were.

Q. Do you know that they withdrew in 1917 from Bethel? A. I presume they did.

Q. You weren't certain at that time? A. No.



Q. You spoke about the schedule of activities at Bethel. May I ask you what the hours were at the factory? A. From 8 o'clock until noon, 12, the bell ringing five minutes before the hour, and then from one o'clock until 5:20—5:40—when the bell rings and we have five minutes to dress up and leave at a quarter of six.

Q. After six o'clock many of them entered into the activity of distributing this literature, is that correct? A. Yes, sir, as many as are free to do so.

Q. And did they work on Saturday? A. Yes, sir.

Q. What were the hours on Saturday? A. From eight until noon.

Q. And most of—

The Court: In the afternoon did they work?

The Witness: That is the regular schedule.

Q. Most of those who were quartered at Bethel worked in the factory, did they not? A. Yes, sir.

Q. There were a great many young men there, were there? A. Yes, sir.

Q. What was the lowest age in Bethel? A. I don't know.

Q. 18. A. I don't know.

Q. Were there some there who seemed to be 18? A. Yes, sir, I think so.

Q. And younger than that? A. I don't know.

Q. Wasn't the large proportion of them young men between 18 and 25? A. I couldn't say, sir.



Q. Were there a great many young men there? A. Yes, sir.

Q. Were those young men permitted to go out to Staten Island without permission? A. Certainly they are allowed to go out to Staten Island.

Q. Didn't have to have permission from the Judge?

The Court: You mean Staten Island, Bethel?

Q. I mean the Staten Island Bethel? A. Yes, sir, they would go out—

The Court: Were they permitted to go to Staten Island Bethel without permission?

The Witness: Not as a rule.

Q. It was all in the Judge's discretion? A. Yes, sir.

Q. But the Judge went out to Staten Island when he was in town every week-end, didn't he? A. Not every week-end.

Q. Practically every week-end? A. Yes.

Q. Didn't he leave about Thursday and come back around Monday? A. Sunday nights.

Q. What is the attitude of Jehovah's Witnesses on smoking?

Mr. Covington: That is immaterial.

The Court: Objection sustained.

Mr. Covington: There is no charge as to that at all.

Q. You spoke about Mr. MacAulay criticizing something, did you not? A. Yes, sir.



Q. And the correction of him was right in the open meeting in the Bethel Family? A. Before the Bethel Family.

Q. This complaint that Mr. Woodworth made was by way of a letter to him, to Mr. Rutherford? A. Yes, sir.

Q. And as a result of that letter Mr. Rutherford brought it out in the open meeting before the Family, didn't he? A. Not the writer thereof.

Q. But he brought the subject up? A. Brought up the subject.

Q. Before the whole meeting? A. Yes, sir.

Q. Do you know that Mr. Rutherford had two homes in Staten Island? A. I don't know that he had any home in Staten Island.

The Court: Were there two homes set aside for him?

The Witness: There were two houses there.

The Court: Set aside for him?

The Witness: No.

The Court: What was the situation? Let us have it.

Q. Did he stay at any particular house? A. At the Administration Building he had a room.

Q. And didn't he also have a room in the woods or a house in the woods out there? A. He had a screened-in place down there.

Q. That was a separate place? A. Yes, sir.

Q. Was that only for him? A. That is where he did his writing.

The Court: Was that only for him?

The Witness: No, he took down visitors



and also he had his secretarial staff down there.

Q. That was separate and apart from the Bethel place in Staten Island? A. Yes, sir.

The Court: Did he have sleeping quarters there?

The Witness: No.

The Court: That is just a working place?

The Witness: Just a working place.

The Court: Were you ever there?

The Witness: Yes.

Q. Were the broadcasts from Brooklyn or Staten Island? A. Up until the establishment of studios at Brooklyn in 1929, I think, the broadcasting was done from Staten Island.

The Court: You now broadcast from Columbia Heights?

The Witness: Yes, sir.

Q. This seventh floor where Mr. Rutherford has his quarters, is that the top floor of the building? A. Yes, sir.

Q. Isn't there a pent-house on it, on the building? A. No, sir.

Q. You say there is no pent-house? A. No.

Q. And how large is that floor? What are the dimensions, approximately, of the floor? A. I don't know. I imagine the front is around 70 feet.

Q. And the building runs back close to 100 feet, did you say? A. About that.

Q. And do you know how many rooms there are on that floor? A. Six.

Q. Large rooms, aren't they? A. No, not overlarge.

Q. And no one was permitted up on that seventh floor without permission of Mr. Rutherford, he and his secretarial staff, his office force?

The Court: Was anybody permitted up there without his permission?

The Witness: No.

Q. So that whole seventh floor was in the control of Mr. Rutherford? A. Yes, sir.

Q. And no one could go up to that seventh floor without an appointment made by Mr. Rutherford or somebody on his behalf? A. That is right.

Q. You say Bonnie Boyd lived up on that seventh floor? A. Yes, sir.

Q. Anybody else? A. Her mother.

Q. Anybody else? A. I don't know.

Q. How often did you go up there? A. Occasionally I had business up there.

Q. Was there a private dining room up there? A. There is a small dining room up there.

Q. That was just for Mr. Rutherford and his associates there on that floor? A. Certainly.

Q. These members of the Bethel Family were transferred from time to time to different places, weren't they? A. Yes, sir.

Q. That is, sometimes they would be assigned to work in the farm at Ithaca, is that correct? A. I presume so.

Q. Don't you know? A. No, I wasn't up to that farm at that time.

The Court: Did you know of anybody being transferred from Bethel or sent from Bethel to Ithaca?



The Witness: Yes, sir, I have heard of it.

Q. Have you checked up to find out whether there was any other female in that Society of Bethel who married a man from the outside and continued to live there? A. I know of no female who married a man from the outside.

The Court: You said that before. Have you checked it up?

The Witness: No, I haven't.

Q. You don't know of anyone other than Bonnie Boyd? A. Bonnie Boyd didn't marry a man from the outside.

The Court: Do you know of anybody else besides Bonnie Boyd?

The Witness: No, sir.

Q. You say that you made suggestions to Mr. Rutherford sometimes in connection with your proofreading? A. Yes, sir.

Q. Those were the only suggestions you made, weren't they? A. On indications from him to examine copy in advance—

The Court: Are those the only ones that you made?

The Witness: Yes, sir.

The Court: Did you ever make any suggestions about how to run Bethel? That is what counsel is asking about now.

The Witness: No.

Q. Were you there at Bethel from July 21st, 1939, to August 8th, 1939? A. I went on my vacation July 21st and was gone for two weeks; came back on August 6th, Sunday night.



The Court: You were away from July 21st until August 6th?

The Witness: Yes, sir.

Q. Did you see Mr. Rutherford on your return? A. No.

Q. When did you first see him on your return? A. Well, at the dining room.

Q. On what day? A. On August 7th—Monday, was it? Monday was the 7th.

Q. In the morning? A. As I recall.

Q. And Mr. Rutherford didn't mention to you that he had received this letter until you heard it read at the meeting on August 8th, is that correct? A. That is right.

Q. Do you remember the statement made by Mr. Rutherford, in substance this: That even if Mr. Moyle's letter was true that he had no right to write it? A. No, I don't recall that, sir.

Q. You don't deny that that statement was made? A. I don't know; I don't think so.

Q. Was your complaint about the writing of the letter? A. Yes, sir.

Q. You felt that he had no right to write a letter at all? A. That kind of a letter, no, sir.

Q. If it was a letter of praise it would be all right to write it, is that correct? A. That would be his own responsibility. The Lord says he shouldn't praise creatures.

Q. So you can't write a letter of praise under your doctrines? A. Judge Rutherford didn't welcome any flattery.



The Court: He asked if under your doctrine whether you could write a letter of praise.

The Witness: We could write a letter of appreciation.

The Court: You differentiate between appreciation and praise?

The Witness: Yes, sir.

The Court: You can write a letter of appreciation?

The Witness: Yes, sir.

Q. What is the difference between appreciation and praise, in your mind? A. A letter of appreciation is one where you express your thankfulness for the services that have been rendered for the faithful course that is taken by a servant of the Lord, and you place a value upon those services and acknowledge it.

Q. That they had done to you? A. Acknowledge the good that they have done to you.

Q. As soon as you heard the letter read on August 8th you concluded it was false? A. I knew it was false, sir.

Q. You didn't know it was false before it was read? A. I didn't know about it.

Q. So that you came to the conclusion it was false after you heard it read? A. I knew it was false after I heard what it contained.

Q. Would you say that these parts of it are false: "Conditions at Bethel are a matter of concern to all of the Lord's people"? A. That is true.

Q. Is this true: "Nowhere amongst imperfect men can there be perfect freedom from oppression, discrimination and unfair treatment"? Is that true? A. That is true.



Q. "At the Lord's Headquarters on earth conditions should be such that injustice would be reduced to a minimum." A. That is not true.

Q. "I am in a good position to make such protest because your treatment of me has been generally kind, considerate and fair." A. That is his own statement.

Q. Is that true? A. That is his own statement. I accept it for what it says.

Q. You don't say it is false? A. No, I don't say that that is false.

Q. "I can make this protest in the interest of the Bethel Family and of the Kingdom work without any personal interest entering into the matter." Is that true or false? A. That is false.

Q. "Woodworth in a personal letter to you stated something to the effect that it would be serving the Devil to continue using our present day calendar." A. That is true.

Q. "They," meaning MacAulay, McCormick, Knorr, Prosser, Price, Van Sipma, Ness, and others, "have been publicly called to account without any previous notice." A. That is false.

Q. You said they had previous notice? A. I don't know about that.

Q. You have no information on that? A. No.

Q. So you can't say whether it is true or false? A. I can't say that that is false, because they weren't publicly called to account—

Q. I don't want your reasons.

Mr. Covington: I object to that. Let him finish the answer.



The Court: Have you finished your answer?

The Witness: I have finished.

Q. Another one, "J. Y. MacAulay asked a question which carried with it a criticism of the present method of Watch Tower study." Is it true or false? A. That is true.

Q. "Securing an efficient mode of study with imperfect study leaders is no easy task, and no method yet produced has proved to be 100% perfect." A. That is true.

Q. "You stated that no complaints had come to you concerning this method of study." A. I don't know.

Q. You have no information on that? A. No.

Q. So you can't state whether that is true or false. "It may be that the present method is the best that can be used, but in view of the known limitations honest criticism should not be censored nor honest critics punished." A. That is false.

Q. "The ushers," meaning those at Madison Square Garden, "were placed in a tough spot but did an excellent piece of work." A. That is to be determined by an investigation of the facts.

Q. Did you investigate the facts? A. I was present at the meeting and saw what went on.

Q. At Madison Square Garden? A. Yes, sir.

Q. Did you have enough facts to know whether the ushers were placed in a tough spot? A. They were.

Q. So that is true? A. Yes, sir, that is true.

Q. And didn't you have enough facts to know that they did an excellent piece of work? A. The work wasn't done perfectly, above criticism.

The Court: Was it an excellent piece of work?

The Witness: For the most part.

Q. Why didn't you answer that? What was your answer, that they did a good piece of work?

The Court: "For the most part," he said.

That was your answer?

The Witness: Yes, sir.

Q. "They," meaning the ushers, "exercised care and diligence in watching arrivals at the Garden, and prevented a number of suspicious characters from entering." A. That is true, as far as I know.

Q. "They were on the job immediately when the disturbance started and quelled a disturbance which would have otherwise reached serious proportions." A. That is true to the extent that the disturbance was not prevented from spreading to other quarters.

Q. Were they on the job immediately? A. As far as I could observe.

Q. So that is true. Did they quell a disturbance? A. After 12 minutes.

Q. But it was quelled? A. In 12 minutes.

Q. But it was quelled? A. Oh, yes.

Q. "The brethren at Bethel have thoroughly demonstrated their loyalty and devotion to the Lord, and do not need to be berated for wrongdoing."

Mr. Covington: This entire line of inquiry— Counsel has taken part of sentences out of their context.



The Court: You have been sitting there. You have a perfect right to object at any time. Nobody has stopped you. If you have an objection make it; don't make speeches. Do you object?

Mr. Covington: I do.

The Court: The objection is sustained.

Q. Is this sentence true: "A suggestion or a kindly admonition from you would be more than sufficient to check any wrongful actions, and would eliminate resentment and induce greater happiness and comfort for the whole family."

Mr. Covington: I object for the same reason.

The Court: Sustained.

Q. And this one: "You have stated many times that there are no bosses in the Lord's organization". Is that true or false? A. It is true.

Q. "We publish to the world that all in the Lord's organization are treated alike and receive the same as far as this world's goods are concerned." A. That is true.

Q. "You have many homes, to wit, Bethel, Staten Island, California, etc." A. That is not true.

Q. Well, did he have a home at Bethel? A. He had a room.

Q. It wasn't a home, though? A. The Bethel Home, but he had a room there.

Q. That wasn't a home, in your estimation? A. He made his residence there.

Q. Did he live there most of the year?



The Court: You mean it wasn't the whole house but one portion of it was head—his?

The Witness: Yes, sir, he was assigned a room like any other member of the Bethel Family.

Q. Did he use it for dwelling purposes? A. When he was there on business.

Q. And he was there a great deal of the time, in Bethel, wasn't he? A. Yes, sir.

Q. And he also spent days at Staten Island, did he not? A. Yes, sir.

Q. And he dwelt there? A. Yes, sir.

Q. And he had a home in California?

The Court: I think we have been all over that.

Q. "You work in a nice air-conditioned room." A. Well, I have been up there and—

The Court: Is that true?

The Witness: The room was air-conditioned.

The Court: Is that true or isn't it?

The Witness: He worked in an air-conditioned room.

Q. True, then? A. Yes, sir.

Q. "You and your attendants spend a portion of the week in the quiet of country surroundings". A. That is not true.

Q. Isn't it the country out there in Staten Island? A. It is part of the City, sir.

Q. It is quiet, though, out there? A. Yes.

The Court: You differentiate between parts of the City of New York—parts of



Queens which are thoroughly rural yet are part of the City?

The Witness: Yes.

Q. If he had the same accommodations in Nassau County would that be the country?

Mr. Covington: That is argumentative.

The Court: Sustained.

Q. "The boys at the factory diligently work without such helps or any effort made to give them". A. That is not true.

Q. "When Bonnie Boyd married she did not leave Bethel." A. That is true.

Q. "She was permitted to bring her husband into Bethel". A. That is not true.

Q. Isn't her husband living at Bethel now— Was he living at Bethel in 1939? A. He was living at Bethel before ever he got married.

The Court: How long before he got married? Let us have the full facts for the jury.

The Witness: Several months.

The Court: Several months before he married?

The Witness: Yes.

The Court: Was he engaged to her when he came there?

The Witness: No.

The Court: He was there how many months, do you say?

The Witness: Well, I would say about three months.

The Court: And then he married her and then he lived there?

The Witness: Yes, sir.



Q. "The Biblical injunctions against unclean, filthy speaking and jesting have never been abrogated." A. That is true.

Q. "Whether a servant of Jehovah drinks alcoholic liquor is none of my business, except in giving a helping hand to a brother who is stumbled thereby." A. That depends upon how he does it.

Q. "Whether I am a total abstainer is nobody's business but my own." A. That is true.

Q. "We sold our home and business when we came to Bethel and fully intended to spend the rest of our lives in this place, in the Lord's service." A. I don't know.

Q. "We are not leaving the Lord's service but will continue to serve Him and His Organization as fully as strength and means will allow." A. That is not true.

The Court: Would you like to explain that?

The Witness: Yes, sir.

The Court: Go ahead.

The Witness: At Headquarters Mr. Moyle was devoting his entire time to the Lord's Service. When he resigned to resume legal practice out in his home country he began to devote himself to secular occupation and made the interests of the Kingdom subordinate, secondary in position; it was relegated to a secondary position.

The Court: Do not some of your Ordained Ministers practice secular professions, as you call them?

The Witness: Yes, sir.



Q. You object to any member of Jehovah's Witnesses working on part time on secular work? A. Not if he is obliged to. The Apostle Paul—

The Court: You answered the question.

Q. Is that your objection, that no one who is a member of Jehovah's Witnesses should work or give any time to secular work? A. If he is obliged to, the Scriptures say that then he is fulfilling his obligation.

The Court: Didn't you testify here that it is heart of the individual or what is inside of him that counts?

The Witness: No, I didn't testify to that.

Q. Were you able to determine that, as to whether he would be allowed to spend a part of his time or be obliged to spend part time in secular work? A. No, I couldn't determine that for him.

Q. The individual determines that, doesn't he? A. Yes, sir.

Q. "Neither am I running away from battling the Devil's crowd in the courts." A. That is not true.

Q. "I expect to return to the private practice of law, probably in Milwaukee, Wisconsin, and hope to be in the fight in every way possible." A. I don't know.

Q. So you can't say anything about that? A. No.

Q. "With this letter I am enclosing a state-

ment of the major cases now pending in which I was actively participating." A. I don't know.

Q. Did you investigate? A. No.

Q. Ask any questions? A. No.

Q. "It would be unreasonable and unfair to drop these matters into your lap without further assistance or consideration." A. That is true.

Q. "I am ready and willing to press these issues in the courts just as vigorously and as carefully as though I remained at Bethel and will do so if that is your desire." A. That is not true.

Q. What evidence did you determine that on? A. A man who quits on the grounds given certainly according to the Lord's rule, he that is faithful in that which is least will be faithful in much, and an individual will not fight 100% after taking a course like that, regardless of what his professions may be.

Q. Were the lawyers who lived in various states of the Union members of Jehovah's Witnesses who took care of cases in the courts? A. So I understand.

Q. So they didn't have to live at Bethel in order to take care of those cases, did they? A. They weren't invited to.

Q. And then Mr. Powell even, the Minister from Georgia, took care of cases, down there, didn't he? A. So I understand.

Q. And he didn't live at Bethel? A. No.

Q. So it wasn't necessary to live at Bethel in order to actively take care of a case? A. It all depended on where the Lord placed you and not where an individual decides.

Q. Well, you mean that an assignment from



the Lord to take care of a case is better than any other assignment, is that it? A. That is the right assignment.

Q. And how would the lawyer determine whether the assignment came from the Lord? A. When it came through the Lord's organization.

Q. It had to come through the Brooklyn office, is that right? A. Yes, sir.

The Court: You say that your belief is even that outside counsel—there has been some testimony that you have hired or attempted to hire counsel outside of your own organization. Are they chosen in your judgment by the Lord?

The Witness: Certainly.

Q. "We have considered this action for sometime, but this letter is delivered to you just as we are leaving on a vacation trip for very specific reasons." A. I don't know.

Q. No evidence on that? A. No.

Q. You didn't inquire about that? A. No.

Q. "First it is desirable that you take time for thought and consideration of the matters herein set forth before taking any action." A. What is the question.

Q. Is that true or false? A. That is his statement.

Q. Well, you have no evidence contrary to it, have you? A. No.

Q. "Secondly, frankly, I have no desire for a verbal argument with you over these matters." You have no evidence contrary to that, have you? A. That is a presumption on his part.

Q. You have nothing to show that it is an



incorrect presumption, have you? A. Yes, because Mr. Rutherford did not indulge in any verbal argument whereby an individual should be in any fear to present his case.

Q. When it stated in the letter, "I have no desire for verbal argument," that is a statement of the individual who writes the letter, isn't it? A. Yes, sir.

Q. And you have no evidence that conflicts with that?

Mr. Covington: That is argumentative.

The Court: Sustained.

Q. "If we speak erroneously or wrongfully we are responsible before the Lord for so speaking." A. That is true.

Q. "If we speak truthfully and we stoutly contend that everything here related is the truth, then there is immediate responsibility on your part to remedy the conditions necessitating this protest." A. That is not true.

Q. So that there were some of those items in the letter that were true? A. Taken out of their context.

Q. Wherever they are taken from in the letter? A. They are in the letter.

Q. And they are separate sentences in the letter? A. Yes, sir.

Q. And some of them pertain to separate subject matters? A. But they are embodied in a context.

Q. It is all in the letter? A. That is true.

Q. And you can't separate different things from that letter? A. But you can use certain statements in there to give an appearance of



truth, and if you use your whole paragraph or whole letter to support a lie.

Q. You say that I have read all these matters and that I have interpreted them in the shape that they are a lie? A. They are put in there to give an appearance of truth, but to put across a lie.

The Court: Repeat the question.

(The foregoing question was thereupon read by the Court Stenographer.)

The Witness: No, I wouldn't say that.

Q. And yet you recall signing this article "Information," where you say that every paragraph of that letter is false? A. It is filled with lies.

Q. You say every paragraph of that letter is false, filled with lies, and is a wicked slander and libel? A. Except the first paragraph.

Q. Excepting the first paragraph? A. Yes, sir.

Q. So you still say that every paragraph of that letter is a lie? A. Except that one, yes.

The Court: Except the first paragraph.

Q. You say this, that he requested "Consolation" to publish his letter. Do you subscribe to that statement? A. The "Information" article which I signed contains that. I accepted it as the truth.

Q. And what evidence did you have before you when you signed this of a request to publish it in "Consolation"? A. None, except the statement from the authorized source.

Q. And the authorized source was whom? A. The President.

Q. So you made no investigation of your own about that? A. No.



Q. Then you have the statement, "causing the same to be publicly read," meaning that Mr. Moyle caused that letter to be publicly read, is that correct? A. Yes, sir.

Q. Where was it publicly read, prior to August 8th? A. According to the information that has come in it was being read in companies.

The Court: The information from Mr. Rutherford at this meeting of September 21st.

The Witness: Yes.

Q. Prior to September 21st? A. No.

The Court: He said the meeting at which Mr. Rutherford gave him the information on Setember 21st. Is that right?

The Witness: Yes, sir.

Q. Then you also proofread the "Snares" article, did you not? A. I did.

Q. And you subscribed to that article? A. Yes, sir.

The Court: You had nothing to do with that article or the publication of it? Except to proofread it?

The Witness: That is right.

Q. In that article is stated that if a man claims to be consecrated to God and is a lawyer and appears in court as counsel for another consecrated person and then conducts himself in the case on trial in such manner that he might receive the approval of other men in the court, such lawyer is a man pleaser? A. I accept that.

Q. And you base that statement of man



pleaser on what you have testified to this morning, as you say, Mr. Moyle touching the other lawyer out in the hallway, is that it?

The Court: Let him tell us himself. I think that would be more satisfactory.

Q. Is that what it was? A. Yes. Judge Rutherford called our attention to that fact at the meeting.

Q. And that is the only evidence that you base the man pleaser on? A. That is sufficient.

Q. That is sufficient for you? A. Yes, sir.

Q. And you weren't present in the courtroom, were you? A. No, sir.

Q. You accepted that from Mr. Rutherford? A. It was not disputed when he called attention to it.

Q. But Mr. Rutherford stated it? A. He stated it straight to Mr. Moyle's face and it was not disputed by Mr. Moyle.

Q. Mr. Moyle touched this other lawyer, is that it? A. He put his arm around him and patted him on the back.

Q. That was the truth. Also in this article, "Snares": "One who fails or refuses to look well to and defend the interests of a Christian and does so in order that he might appear as a good fellow in the eyes of other men is therefore the enemy of Christ." A. That is true.

Q. What evidence did you have for that? A. "Whosoever will be a friend of the world is the enemy of God," and anyone fraternizing with the known enemies that have been pointed out to one is making himself an enemy of God.

Q. But you knew at that time that the defendant had been acquitted, didn't you?

Mr. Covington: That assumes a matter that is not in evidence.

Mr. Bruchhausen: I withdraw it.

The Court: Did you know?

The Witness: No.

Q. Did you know anything about what happened to them at that time?

Mr. Covington: Let us get the dates involved. There are two dates involved.

Mr. Bruchhausen: I am speaking of the date when the article "Snares" came to his attention.

The Court: As I understand it, so we straighten out the dates, you proofread it and then you said afterwards that you read it and subscribed to it in the "Watch Tower," is that right?

The Witness: I don't recall, because the proofreading went ahead about a month before publication.

The Court: As I understood your testimony, you said you proofread it and afterwards when you read it in the "Watch Tower" you read it carefully and then you subscribed to it.

The Witness: Certainly.

The Court: That is about a month after the publication, is that right? The date of the publication is November 15th?

The Witness: Yes, sir. Then the proofreading goes forward about a month in advance.



The Court: Forget about the proofreading, because I understand your testimony is at that time you just proofread it and didn't go into the article carefully.

The Witness: That is right.

The Court: Afterwards you said you did go into the article carefully and subscribed to it?

The Witness: That is right.

The Court: What is the date you went into it carefully, if you can tell us, approximately?

The Witness: After the magazine is released, that particular issue.

The Court: When was the November 15th issue released?

The Witness: A few days before November 15th.

The Court: Approximately November 15th, is that a fair statement?

The Witness: That is right.

Q. So that this statement I have just read is also based entirely on this patting of the back, is that it? A. I don't know.

Q. Well, you have approved of the article at that time. A. I did.

Q. That is the only evidence you had. A. That article lays down principles and mentions nobody's name.

Q. That is the only evidence you had about Mr. Moyle, the evidence you just stated of patting on the back? A. Regarding him?

Q. Regarding him, yes. Do you recall any



letter going out from Headquarters to find out about any communications respecting Mr. Moyle to these various companies out in Wisconsin? A. I know nothing about such.

Q. These letters all came to you voluntarily as far as you know from— A. I don't know.

Q. You don't know how they came in? A. No, sir.

The Court: As a matter of fact, as I understand your testimony, Judge Rutherford had some of them on his desk or table and you so indicated?

The Witness: Yes, sir.

The Court: You didn't see the letters at all. The only time you heard this letter read, and you heard Judge Rutherford's statement concerning it.

The Witness: Yes, sir.

The Court: Is that the correct understanding?

Mr. Covington: Yes.

Q. You say that the board of directors gave Mr. Rutherford the power to write the articles in the "Watch Tower"? A. No, sir.

Q. Who gave him the power? A. The Lord.

The Court: He made him President of the Corporation and gave him the right to supervise or—

The Witness: The Board of Directors have nothing to do with the doctrinal matters. This is a legal corporation and they take care of the legal matters.

Q. So the Lord was writing the magazine in 1939? A. He is guiding it.



Q. You spoke about a rule of conduct for ministers making complaints. Is that a printed rule? A. It is in the Lord's Word printed there.

Q. That is in the Bible? A. Yes, sir.

Q. What is the Scripture on that? A. Well, first Timothy, Five:One says "Rebuke not an elder but entreat him as a brother."

The Court: I thought you told us elders were ruled out.

The Witness: Elective elders, sir, not those who are such by reason of study and Christian practice and endeavor and service.

Q. Well, under that rule or doctrine could a minister write a letter? A. He can write a letter.

The Court: Not this kind of a letter.

The Witness: Not this kind of a letter.

Q. You mean he could not write any letter that had any complaint in it, is that it? A. The Scripture says "Study To Be Quiet And To Do Your Own Business," and anyone violating that rule is not authorized to write a letter.

Q. So he couldn't even speak about it, could he? A. It was in— It wasn't in his province to speak about it to others.

Q. So that the minister could neither speak as to any complaint nor write about a complaint? A. Not to stir up discontent and disruption and so spread false reports.

Q. Could he write any kind of a complaint? A. If it appertained to things over which he had charge or—



Q. And what has the minister got charge of? A. He is sent out by the Society as its representative to examine the conditions of the companies, to see whether they are carrying out organization instructions, each servant of a company doing his assigned duty, and also to give counsel and exhortation to the brethren, and to straighten out any matters that are out of order.

Q. And a minister living at Bethel could not write any letter of complaint about Bethel under this doctrine that you mentioned? A. This one was written. It is possible, but it is not proper.

Q. It is contrary to the doctrines?

The Court: He said it is not proper.

Q. Is that it? A. It is contrary to Christian doctrines.

Q. To write letters? A. Such a letter.

Q. So that was your objection to writing the letter at all, wasn't it? A. Yes, sir.

Q. So he was an evil servant as soon as he wrote the letter? A. That letter, yes.

Q. You mentioned about just what a minister should do. Did I quote you right, that Mr. Rutherford at the table said he would hear the accused at any time? Is that it? You stated something and maybe I didn't quote you correctly.

The Court: The accuser and the accused.

The Witness: Yes, sir. Judge Rutherford said he would not hear any accusations except the accused were also in his presence to answer for himself.



Q. And that also an individual could go to his brother alone? A. That is right, if his brother had sinned against him.

Q. Your distinction is that you have to go to the person who you claim did the sinning? A. If one sins against you, instead of discussing it with others you should go directly to your brother and settle the matter with him without airing it abroad.

Q. But Mr. Rutherford was still the representative of God on earth, wasn't he? A. The servant of the Lord, yes.

Q. What is this International Bible Students' Union or Association? A. That is the London Corporation.

Q. That is all part of this Society? A. Yes. That transacts the Society's business in Britain.

Q. In your proofreading did you encounter this article that you may have heard me refer to previously in the "Watch Tower" of February 15, 1939 reading: "If the telling of that which actually exists would work injustice and injury to others it is not at all dispensing to God to decline to tell the same. A statement becomes a lie when it is made with the purpose and intention of working an injury to another." A. I agree with that.

Q. Is that a definition of a lie that comes from the Lord? A. There is a Scripture right behind it, sir.

Q. What is the Scripture? What does it say? A. If you wish I shall read it.

Q. Let us have it. A. I believe it is John 7, 8 to 10, isn't it?

Q. I haven't it here. A. Regarding declining to tell the situation.

Q. John, 7, 8 to 10. A. These verses read: "Go Ye up unto this feast: I go not up yet unto this feast for my time is not yet full come. When He had said these words unto them He abode still in Galilee. But when His brethren were gone up, then went He also up unto the feast, not openly, but as it were in secret."

Q. Under this definition if the telling of that which actually exists would work injustice and injury to others, it is not at all displeasing to God to decline to tell it. Who determines as to whether it is going to work injustice or injury? A. The individual who is requested to give the information.

Q. Might not the individual make a mistake? A. If he is instructed by the Lord's Word he will not make a mistake on that point.

Q. You never had any experience with anybody making a mistake under that definition? A. No, there are Biblical illustrations to that point.

Q. Do you belong to any organizations outside of the Watch Tower? A. No.

Q. Do you attend any meetings of any other organizations? A. No, sir.

Q. You give your entire time to the study of the "Watch Tower" and the Bible? A. Yes, sir.

Q And the selling of literature? A. No selling of literature, sir.

Q. And you don't come in contact with anybody else but Jehovah's Witnesses? A. In my work from house to house I come in contact with the people in their own homes.

Q. But outside of that you don't? A. No.



Q. One of your doctrines is free speech, isn't it? A. Yes.

Q. And you believe under that that everyone is free to state his opinions or reactions about different things? A. Yes, sir.

Q. And there is a moderation of that when you become a Jehovah's Witness, isn't there? A. Yes.

Q. There is a modification of that? A. Yes. Inside of the Lord's organization the Lord requires His People to conform to His Word of Truth, to speak the truth, to speak the truth, to speak those things which are in the interest of His Organization.

Q. So that the definition of free speech changes when you get into Jehovah's Witness class? A. It is qualified by the word of God.

Q. And you can't say anything unless it is approved of by the representative of God? A. Unless it is approved of by the word of God. The representative of God will not—

The Court: By the word of God.

Q. But the representative of God determines whether it is the word of God or not. A. If it is in harmony with the word of God He lets it be spoken.

The Court: He determines whether it is in harmony.

Q. Did the Bible illustration—

The Court: You were talking about the resolution. I think the witness has it here, the 1918 resolution, if you want to inquire.



Mr. Bruchhausen: Yes, I would like to have that. This morning we were referring to the resolution of the Pennsylvania Society.

The Court: Have you refreshed your recollection?

Q. That was adopted in 1918? A. I don't know exactly what he calls for, but this is the only thing that was handed to me. I made the request.

Q. May I see it.

(The witness hands paper to counsel.)

Mr. Bruchhausen: May I reserve that for the moment?

The Court: Surely.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Reference has been made to this "Watch Tower" article that contains the definition of a lie. Explain that matter to the jury, please, and the Scriptural illustration that you have in mind, and also the obligations of a Christian to tell the truth on the witness stand. A. There are a number of instances where the servants of Jehovah or people of good will have declined to tell the truth and have sidetracked the enemies of the Lord. For instance, there was Abraham when Pharaoh of Egypt desired to kill him to get his wife, and Abraham informed Pharaoh that she was his sister, and he was truthful about that. She was his half-sister and the Lord intervened on that occasion to prevent Pharaoh from working any injury to either Sarah or to Abra-



ham. Then there is the case of Rahab, when she received the two spies into her home and she hid them and when the officers came to take these men into custody she replied that the men had already left and gone away, another way, and the Bible commended her act not as a lie but as an act of faith pleasing to God.

Then there is the case of Samson who was inquired of by Delilah to divulge the secret of his strength, and several times he sidetracked her out of faithfulness to his covenant with God.

Q. Are not those illustrations instances where people are making inquiry of one which is not his business and in circumstances where they were not on the witness stand? A. Yes, sir. These individuals were under no oath before Jehovah God to divulge the facts to the inquirers.

The Court: Is any of your testimony based on any such assumption here?

The Witness: I am under oath before the Ever Living God.

The Court: I asked you a very simple question. In view of your statements, is any of your testimony based on any such principle involved here?

The Witness: As stated, this is under circumstances different than being under oath.

Q. And these circumstances that you have mentioned were not instances where they were under oath, is that right? A. That is right.

Q. That is what the "Watch Tower" had reference to in that publication, did it not? A. That is right.



Q. But one under oath, as you are in this matter, is obligated before the Ever Living God in which you believe to tell the whole truth and nothing but the truth, is that right? A. That is right.

Q. And do you accept that as your creed? A. That is right.

Q. Reference was made on cross-examination with regard to the fact that the "Watch Tower" changes. Is that change due to an arbitrary decision by the Editor or the Board of Directors, or due to the fulfillment, the coming to pass of facts showing the fulfillment of prophecies? A. It is due to the clearer light that God Almighty causes to light on His words by fulfillment of prophesy.

Q. Explain that, please, how the prophecies are divulged—having been fulfilled and changing from time to time. A. The Scripture says that all prophecies are given by inspiration, and that no prophecy is of any private interpretation, for the prophecy came not in old times by the will of men but only by men of God speaking as they were moved by the Holy Spirit. God is the interpreter of prophecies. He causes these to be written far in advance. They are history written in advance, and at His due time He causes the event to occur which fulfills the prophecy. Then He calls the attention of his consecrated people to such fulfillment and shows them that the prophecy has come true, makes them to understand it according to physical facts.

Q. Also, in cross-examination, inquiry was made concerning the attitude of Jehovah's Witnesses towards the present Government as not



being a part of Theocracy. Do you mean by that that Jehovah's Witnesses believe that those Governments have no right to be on the earth today at this time? A. As long as God is willing to permit them to exist we have no right or authority from Him to act subversively and to try to overturn these governments. That is a matter for Jehovah God to enact by His King, Christ Jesus.

By Mr. Covington:

Q. And do Jehovah's Witnesses believe in being in the world as Christ Jesus was? A. They are in the world, but they are no part of it.

Q. What Scriptural authority do you have for that? A. Jesus said to his Disciples that "If ye were of the world, the world would love his own, but because you are not of the world, therefore the world hated you." He said "They are not of the world even as I am not of the world."

Q. You did not sign the resolution on August 8, 1939, did you? A. No.

Q. The resolution that was prepared and signed by the committee, who was the committee that prepared that resolution? A. I voted in favor of that resolution.

Q. But you were not one of the authors of the resolution, were you? A. No, no.

Q. You did not sign the resolution itself, did you? A. No.

Q. But you did sign the article entitled "Information"? A. Yes.

Q. Do you know whether or not Mr. McCaulay has drawn away from the Watch Tower Bible & Tract Society? A. He has left the headquarters.

By the Court:

Q. Do you know whether he has drawn away? A. I understand that he is with one of the other organizations.

Q. Do you know it? A. No.

By Mr. Covington:

Q. The question was asked concerning one leaving Bethel and taking up secular work. You are familiar with the Bethel questionnaire, are you not? A. Yes, sir.

Q. If one leaves without permission of the president and without permission of the Lord's organization, he shows that he is a covenant-breaker, does he not?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. It speaks for itself.

Q. One who abandons his position of duty without permission of the organization, what is the Scriptural position taken by such a one?

Mr. Bruchhausen: That is assuming something, if your Honor please.

The Court: Objection sustained.

Q. I show you Plaintiff's Exhibit 4, the letter dated July 21st (handing to witness). Counsel has made inquiry about certain sentences. I wish you would take that letter now and go down paragraph by paragraph and show the jury that each paragraph is false.

Mr. Bruchhausen: I object to that.

The Court: The form is objectionable.



Q. The first paragraph is admitted to be the truth and so stated in the article "Information." Take the second paragraph and point out why you stated that that paragraph was false. A. For this reason: That the paragraph purports that the organization there at Bethel was filled with oppression, discrimination and unfair treatment.

Q. Is that a true or untrue description of the conditions at Bethel? A. That is untrue.

Q. Take the next paragraph. A. Also he says, "I can make this protest in the interests of the Bethel Family and of the Kingdom work without any personal interest entering into the matter." That is not true.

Q. Take the next paragraph and point out wherein that is untrue, in your judgment. A. The statement, "The spectacle of our brethren receiving orders designated as a trimming from you"—

The Court: Don't read it all. Tell us why you say it is false.

The Witness: Because those statements are untrue about trimmings and tongue-lashings.

Q. And the other parts of the paragraph. Have you seen others, MacAulay, McCormick, Knorr, Price, Van Sipma, Ness, similarly treated as described in that paragraph? A. No.

Q. That is untrue? A. That is untrue.

Q. Take the next paragraph and show the jury why that is false. A. "That McCaulay was severely reprimanded and Judge Rutherford violated the principle for which we are fighting, freedom of speech."



Q. Is that true or false? A. That is false.

Q. Now, the next sentence. A. It wasn't the action of a boss. Furthermore, the statement that "Watch Tower studies have degenerated into mere reading lessons" is absolutely false.

Q. I will ask you whether or not Mr. McCaulay himself raised this issue to Judge Rutherford before the entire family. A. He did.

Q. And asked for the comments of the Judge. A. He raised the issue himself.

Q. Take the next paragraph and point out wherein that is false. A. That Brother Worsley got a public denunciation, and that Judge Rutherford was intolerant toward him, and that he exercised high-handed authority with respect to his fellow-servants.

The Court: That is all false, you say?

The Witness: That is false.

Q. Take the next paragraph and point out what parts of that are false. A. There was no distressing condition of restraint and suspicion at Bethel after the Madison Square Garden meeting.

Q. Any other part? A. That there has been constant condemnation of the ushers at that meeting by Judge Rutherford and that they have been labeled sissies.

Q. How about the next sentence "because of your unkind remarks," is that true or false? A. There have been no unkind remarks.

Q. Now, take the next paragraph and point out wherein that is false, beginning with "The



brethren at Bethel." A. That they have been berated for wrongdoing, and that Judge Rutherford was not giving kindly admonitions to them, and that his course resulted in unhappiness and discomfort, and that a reversal by Judge Rutherford would induce greater happiness and comfort, and that he scolds the boys and smites his fellow-servants at Bethel.

Q. What is "smite"? Is that a term of contempt?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Q. What is the Scriptural definition of the term "smite"? A. It doesn't mean an actual physical smiting, but a directing of language to a person.

By the Court:

Q. You mean a tongue-lashing? A. Yes; and leveling false charges against him and condemning him on the basis of such false charges.

By Mr. Covington:

Q. Take the next paragraph under the heading "Discrimination" and point out about that. A. It speaks here of the difference of accommodations furnished to Judge Rutherford and his personal attendants as compared with those furnished to the other brethren, and that he has many homes in various places and that the brethren at other points are required to live in small rooms unheated through the bitter cold winter weather and camp in their trunks."

By the Court:

Q. That is false, is it? A. That is false.



Q. Were you ever up to Ithaca? A. Not at the time.

By Mr. Covington:

Q. Did you hear the statements made by the Board of directors concerning this charge before the vote was taken? A. Yes, sir.

Q. Did Moyle deny the charges that the Board of Directors made against him on that point? A. He certainly did not.

By the Court:

Q. Did you ever see the accommodations in California? A. I have been out there since this.

By Mr. Covington:

Q. You have visited California, haven't you? A. Yes, sir.

Q. And you have been in the house there? A. Yes, sir.

Q. Is the house in the same condition as it was in 1935 and 1939, as far as you know? A. As far as I know, it is.

Q. The last paragraph under the heading "Discrimination," explain that wherein that is a lie. A. The implication here that Judge Rutherford is the only one at headquarters who has a nice air-conditioned room. The fact is it isn't his room. It is his office that was air-conditioned, one of the offices, and that he and his attendants spend a portion of the week in the quiet of country surroundings. They work out there because Judge Rutherford composed many of his articles of the "Watch Tower" and booklets out there, and it required retirement.



By the Court:

Q. I assume you know this all of your own knowledge? A. Yes, sir.

By Mr. Covington:

Q. Now, the next sentence. A. On marriage?

Q. No, the next sentence. A. Judge Rutherford would oftentimes invite members of the Bethel Family out to Staten Island for the week-end. Many of them work out there.

Q. Was there any discrimination as charged in the last sentence there? A. No, sir.

Q. Was that charge made in the last sentence untrue, that the Judge had been guilty of discrimination? A. Yes, that is untrue.

Q. Take up the subject of marriage, the next paragraph. A. The statement about unequal and discriminatory treatment with regard to marriage is untrue, and that one of the boys left Bethel to get married and was refused the privilege of pioneering in New York because of having taken that step.

Q. Did you know a Brother Broad that had been at Bethel some time and left? A. Yes.

Q. He became a pioneer in 1940, did he not, on the records? A. As far as I know.

By the Court:

Q. Well, do you know? A. I visited them out in their home.

Q. Do you know? A. Not positively.

Mr. Bruchhausen: Then I move to strike out the other answer.

The Court: Yes.

By Mr. Covington:

Q. Take up the next paragraph under "Filthy and vulgar language," and point out wherein that is false. A. Such unclean and filthy speaking and jesting has not been indulged in at the Bethel Home. "Shocking and nauseating to a person to hear vulgar speaking and smut. And the loudest laughter comes when a filthy joke is told at the table, and Judge Rutherford's own skirts are not clear with regard to telling such."

Q. Is that a lie? A. That is a lie.

Q. Take up the subject of liquor, the next paragraph.

The Court: Hasn't he been over that fully? You may ask him if you want.

The Witness: Instead of alcohol being glorified at Bethel, it is the Lord Jehovah God who is glorified

The Court: You were not asked to tell that. You were asked which parts are not true.

The Witness: The glorification of alcohol, that is false. The claim is made, "One cannot be a real Bethelite without drinking beer." That is absolutely false.

Q. How about breaking in newcomers? A. That is false, too.

Q. Is there any resentment shown— A. "And that total abstainers are looked upon with scorn as weaklings, and that total abstainers are designated as prudes, and that there is a Bacchus-like attitude exhibited by members of the



family, and Judge Rutherford is responsible therefor."

Q. What is the definition of "Bacchus"?

The Court: He has defined it.

Q. Was that whole paragraph false? A. Yes, sir.

Q. The next paragraph about "Grievous injustices at Bethel." A. That is false, that there are grievous injustices perpetrated at headquarters.

Q. The next paragraph about "Resigning to emphatically register his disagreement with unjust conditions," is that true or false? A. Yes, there were no unjust conditions as a basis for leaving Bethel.

Q. About the statement "Neither am I running away from batting the devil's crowds in the courts"? A. That is not true.

Q. The next paragraph, the last paragraph of his letter, where he says "I have had plenty of occasion to observe that a controversial matter did not receive a calm and reasonable discussion of the facts," is that a true or untrue statement regarding Judge Rutherford? A. Untrue.

Mr. Covington: That is all.

(Discussion between counsel off the record.)

Mr. Bruchhausen: May I reserve my right to cross-examine him on the point of the resolution tomorrow?

The Court: Yes, the witness will be here.

Mr. Bruchhausen: I have a few questions I would like to ask.



*Recross-examination by Mr. Bruchhausen:*

Q. You knew that there was something that was unpeaceful there in 1918 arising out of the Russell will, did you not? A. Yes.

Q. Did you ever hear that there was quite a controversy going on, that pamphlets were printed by those taking sides on the question? A. I understand that they had a day of discussion at the table on the matter of the seventh volume which was published and the objectors thereto were the ones who held out.

Q. You know there was a booklet entitled "Facts for Shareholders," and another "Light After Darkness" distributed around? A. I didn't see a copy of "Facts for Shareholders," but I did see a copy of "Light After Darkness" at Cincinnati.

Q. There was a petition for investigation addressed to Mr. Rutherford by about 150 of the members, do you know that? A. I may have read that at the time.

Q. Do you know that as a result of the controversy and the resolution, that four of the directors were ousted from Bethel within 48 hours? A. No, I don't know about that.

Q. You never did print the plaintiff's letter in the "Watch Tower," did you?

The Court: This letter of July 21st.

A. No, sir.

Q. You know that Wesley Latwick wrote a letter to Mr. Rutherford, don't you? A. No.

Q. Did you ever know him? A. Yes, I recall him.



Q. Do you know that he was ordered to leave in an afternoon?

Mr. Covington: I object to that.

The Court: Objection sustained.

Q. You know that at this meeting of August 8th that Mr. Moyle said "The letter speaks for itself"? A. Yes.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

(Short recess.)

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GRANT SUITER, 124 Columbia Heights, Brooklyn, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is your occupation, please? A. I am an ordained minister of the Gospel.

Q. In connection with what organization do you function as a minister of the Gospel? A. The Watch Tower Bible & Tract Society, Jehovah's Witnesses.

Q. Did you have any connection with the Bethel Home? A. Yes, sir.

Q. What connection, if any? A. I am serving as Bethel servant.

Q. Is that what is known as house manager? A. Yes, general superintendency of the property and the home.

Q. Do you have supervision over the enforce-



ment of the rules and regulations in the home? A. Yes, sir.

Q. Approximately how many people are domiciled at the Bethel Home? A. Approximately 215.

Q. And that is the home for the ones who work in the home as well as those at 117 Adams Street, is that not true? A. Yes, sir.

Q. It is owned and operated, is it not, by the Watch Tower Bible & Tract Society? A. Yes, sir.

Q. I show you a document which I wish you would examine and identify for the sake of the record (handing to witness). A. This is a copy of the Bethel Home rules and regulations.

Q. Are you familiar with those? A. Yes, sir, I am.

Mr. Covington: We offer certain portions in evidence which are marked, your Honor.

The Court: Don't you think you had better ask him whether they were in effect—

Mr. Covington: Yes, sir.

Q. Were these the rules and regulations which you have just identified, have they been in force and effect and were they in full force and effect during the years 1935 to 1939, inclusive? A. Yes, sir, they were.

Q. Did Mr. Moyle have a copy of those given him when he entered the home? A. That is the policy. I believe so. I am not certain.

By the Court:

Q. Were you house servant between 1935 and



1939—if I have used the correct term? A. I have been Bethel servant since July 12, 1937.

By Mr. Covington:

Q. And who was Bethel servant before you, if you recall? A. Mr. McCormick.

Q. When was Mr. McCormick Bethel servant? A. I do not recall the dates.

Q. But he was the man that immediately preceded you, is that correct? A. Yes.

The Court: Mr. Bruchhausen, do you see the portions he wishes to introduce in evidence?

Mr. Bruchhausen: No objection, if your Honor please.

The Court: Do you know which portions?

Mr. Bruchhausen: Yes, I see it.

Mr. Covington: I do not want to read the parts that have no pertinency to this matter. Therefore I have marked those that are pertinent, your Honor.

(The pamphlet referred to was received and Defendants' Exhibit D-29.)

By Mr. Covington:

Q. Do you know the plaintiff, O. R. Moyle? A. Yes, sir.

Q. How long have you known him? A. Since about June, 1935.

Q. Do you know the plaintiff's wife, Phoebe Moyle? A. Yes, sir.

Q. And you have known her for the same length of time? A. Yes, sir.

Q. Do you know Joseph F. Rutherford, or did you know him during his lifetime? A. Yes, sir, I did.

Q. How long have you known Judge Rutherford? A. Personally since August, 1928.

Q. How long have you been a member of the Bethel Home? A. Since August 13, 1928.

Q. Would you kindly describe to the jury the Bethel Home, that is, how it is arranged on each floor, who lives on each floor—not each individual—and what sort of equipment is in each room from the first floor to the seventh floor? A. The Bethel Home is a seven-story building at 124 Columbia Heights, divided up into individual rooms. Each room is equipped with one or two beds, a dresser, clothes closet, tables, chairs, washbasin, medicine cabinet and other such general furnishings. The floors from one to seven inclusive are living quarters, living rooms and offices. The Bethel office itself is on the first floor. The administrative office of the President of the Society is on the seventh floor. The rooms are approximately 20 feet square. They vary in shape and in size somewhat. Generally they are all the same. They are occupied by the workers at the factory and at the Bethel Home and the studios of W. B. B. R. located at Bethel, and there is also in the Bethel Home a hospital room, two hospital rooms in fact, a dispensary, assembly hall where group studies are held, study rooms, library, dining room, kitchen, laundry, tailor shop, and other such departments for the maintenance and care of the property.

Q. Where is the dining room located? You have described from the first floor up. Now



there is what is known as the basement and the sub-basement, is that right? A. That is correct. The building runs from Columbia Heights to Furman Street, and Furman Street is much lower than Columbia Heights. The dining room is on the Furman Street side of the Bethel Building, two flights below Columbia Heights, but several stories above Furman Street.

Q. And, of course, it has outside view, does it not, windows, and so forth? A. It has outside windows on three sides.

Q. What size is the dining room, please? A. It is approximately 75 by 90 feet.

Q. And how many tables are there in the dining room? A. There are seven, six of which are used to feed the members of the Bethel Family at mealtime.

By the Court:

Q. What is the seventh for? A. The seventh is a work table.

By Mr. Covington:

Q. The kitchen, where is that located? A. Adjacent to the dining room.

Q. And do you have a group of chefs working in the kitchen to feed the family? A. Yes, sir. There have been a force of four chefs ever since I have been at Bethel, to my knowledge.

Q. Would you please describe the seventh floor. You are familiar with the seventh floor, are you not? A. Yes, sir.

Q. Just for the benefit of the jury, tell us what the arrangements are on the seventh floor. A. The seventh floor occupies about two-thirds



of the space occupied by the floors below. The floor has seven rooms on it. They are arranged for offices and for bedrooms. There is also included in the seven a kitchenette and a small dining room. There are the offices of the President of the Society, a private office, and across the hall, office of his secretaries. There is, as I stated, a dining room and a kitchenette, a bedroom occupied by the president's secretaries, the president's bedroom, and then there is another room making the seventh, which was formerly and originally intended for occupancy by some of the staff of the president's secretaries, but which later was turned over into a hospital room and converted so that Judge Rutherford could receive some hospital treatment there which he needed at the time. The rooms are all similar in size and decoration, furnishing and appointment to the rooms on the other floors of Bethel. We have a regular schedule there for cleaning and painting just the same as we do the other rooms at Bethel. They are under the direction of the Bethel housekeeper and the general supervision of the Bethel office and the Bethel servant.

Q. Is there anything unusual or different about the furnishings in these rooms as compared with any other rooms?

The Court: He has already testified the appurtenances were the same — you have said that?

The Witness: That is right.

Q. You have been present, have you not, when Judge Rutherford presided at the head of the table? A. I have.



Q. And you have heard him conduct the services each day, have you not, at the beginning of each day? A. Yes, sir.

Q. You have heard him at noon-day meal, have you not, conduct the services there? A. I have.

Q. And at supper? A. Yes, sir.

Q. Do you know the attitude of Judge Rutherford towards the members of the family at the Bethel table on the occasions that you have observed him during these years that you have mentioned? A. Yes, sir, I do.

Q. Would you be kind enough to state to the jury what you have noticed in regard as to the attitude displayed by him towards the members of the Bethel Family? A. His attitude toward the rest of the members of the Bethel Family was kindly, considerate and that of a father toward his family, and as the head of the family he occupied the head of the Bethel table when he was present and conducted the discussions that were held in the dining room. He was not only considerate and offered all an opportunity to take part in the discussions, but encouraged them to do so. He was solicitous of their welfare, of the food they had and their physical comfort as well as their spiritual comfort, as the head of this family of 200 or more persons.

Q. Are you familiar with the Staten Island properties? A. Yes, sir, I am.

Q. As Bethel servant, do your duties take you to Staten Island? A. Yes, sir.

Q. About how frequently? A. About once a week.

By the Court:

Q. In 1937 and 1938 and 1939? A. Yes, sir.



By Mr. Covington:

Q. During those years of 1937, 1938 and 1939, did you have an opportunity to become acquainted with the house at Staten Island? A. Yes, sir.

Q. How many resident houses are there at Staten Island? A. There are three altogether.

Q. Describe the main one, where is that? A. That is located on the lot where the transmitter of W. B. B. R. is located. It has approximately twelve rooms. It is furnished into—they are divided into bedrooms and offices now. It was originally—

The Court: We are concerned with 1937, 1938 and 1939.

Q. Yes, 1937, 1938 and 1939. A. It was divided into offices and bedrooms at that time, and it has a large dining room also where the members of the family eat.

Q. How many individuals were connected with the Staten Island section of the Bethel Family during the years 1937, 1938 and 1939? A. Fourteen.

Q. Did Judge Rutherford preside at the head of the table when he was at Staten Island? A. Yes, sir.

Q. As he did at Bethel? A. Yes, sir.

Q. What is maintained at Staten Island outside of the radio transmitters for the benefit of the Bethel Family? A. A garden of about eight acres.

The Court: That was 1937, 1938 and 1939?

The Witness: Yes, sir, and also a large



flock of chickens from which the eggs and chicken meat is produced for the Bethel Family.

Q. And did that require a force to maintain the radio and the small garden farm there? A. Yes, sir.

Q. And the members of the Staten Island Family were connected with that work? A. Yes, sir.

Q. Have you been at Staten Island when Judge Rutherford presided at the head of the table there? A. No, sir, I never have.

Q. Have you been at Staten Island and in the house there and observed the quarters, that is, the living quarters where Judge Rutherford stayed? A. Yes, sir.

Q. He had a room that was a combination bedroom and office, I believe it has been testified, is that right? A. That is correct.

Q. What size room did he have there as compared with the other rooms in the Staten Island Home? A. It was the same size as the other bedrooms, smaller than some of the others which were used for other purposes.

Q. Please describe to the jury how each one of those rooms are equipped. Do they have beds and other things? Just describe them as best you can, please. A. Each one of the rooms at the Staten Island Bethel is equipped almost identically the same as those at Bethel in Brooklyn, with beds, dressers, clothes closets, they all have carpets on the floors, and the other common items of furniture such as chairs, bookcases, mirrors and radios.

Q. Did other people use this house as their

home when the Judge was not there? A. Yes, sir; also when he was there.

Q. When he was there, too? A. Yes, sir.

Q. In other words, that was their home as well as his, is that right? A. Yes, sir.

Q. During those years, did members of the Bethel Family occasionally go to Staten Island on week-ends? A. Yes, sir.

Q. Do you know—coming back to Bethel now at 124 Columbia Heights—compare the size of the room occupied by O. R. Moyle while he was at Bethel with that occupied by Judge Rutherford. A. The room occupied by Mr. and Mrs. Moyle was somewhat larger than the room occupied by Judge Rutherford.

Q. Do you know whether or not Mr. Moyle frequently spent week-ends away from Bethel during the summertime in New Jersey? Did you ever have him tell you that? A. Yes, sir, he has told me that.

Q. Have you ever visited—during the years 1935, 1936, 1937, 1938 and 1939, did you ever have occasion to visit the farm at South Lansing near Ithaca, New York? A. Yes, sir.

Q. Do your duties and did your duties as Bethel servant during the years of 1937, 1938 and 1939 take you to the farm? A. Yes, sir, they did.

Q. Prior to the time that you became Bethel servant, did you make any visits to the farm with anyone? A. No, sir.

Q. But during the years of 1937, 1938 and 1939, you did, did you? A. During all of those years.



Q. Did you ever make a visit there with Mr. O. R. Moyle? A. Yes, sir.

Q. And on how many occasions, please, if you recall? A. Just one occasion.

Q. Just one occasion? A. Yes.

Q. And what year was that? A. That was in December, 1938.

Q. Have you ever been on the inside of the rooms, the home that is occupied by the brethren at the farm? A. Yes, sir, I have been in all of them.

Q. All of the rooms? A. Yes, sir.

Q. Was there an arrangement there for a common dining table as there is at Bethel? A. Yes.

Q. And was the farm family operated on the same basis as the Bethel Family? A. It was, and the same rules applied.

Q. The same rules applied? A. Yes, sir.

Q. Based on your observation of the farmhouse where the brethren resided, could you tell what sort of rooms they had and what sort of accommodations they had, please? A. The majority of the farm family lived in what we call the main building, which was built for that purpose, and the rooms as to size and accommodations were very similar to Bethel. There were some other farmhouses that were on the property originally at the time it was built, at the time it was bought, and these were also utilized as dwellings for the members of the Bethel Family at Kingdom Farm. They were good farmhouses and had the usual accommodations of good farmhouses.

Q. And did these farmhouses that you have



mentioned have heating equipment of any kind? Did they have stoves in them? A. Yes, sir.

By the Court:

Q. What kind of stoves? A. Wood stoves and coal.

By Mr. Covington:

Q. Wood and coal? A. Yes, sir.

Q. And how many people were on the farm during the year 1937, if you recall, approximately? A. Approximately, to the best of my recollection, about thirty-five.

Q. And did they reside there the year around? A. Yes, sir.

Q. And did they have the same method of routine in the way of meals and the same services at the meal as was maintained at Bethel? A. Yes, sir, they were identical with Bethel.

Q. You say the rooms were equipped substantially the same as the ones at Bethel, is that right? A. That is right.

Q. Could you tell whether or not the rooms were heated at the farm? A. The rooms in the larger building were heated by a furnace, a central heating system through the use of steam, steamheated. At some of the other buildings there was a hot-air furnace in the basement which heated the houses, and in one of them there was a hot-air furnace which heated some of the house and the rest of the house was heated by individual stoves in individual rooms.

Q. Was there any room in any of the houses at the farm that were occupied by any members of the family that did not have a stove or heat-



ing equipment therein? A. There was no room that was not heated.

Q. All, then, did have heating equipment of some sort, is that right? A. That is correct.

Q. Are you familiar with the house that is occupied or which has been adverted to by Mr. Moyle as being kept for Judge Rutherford; are you familiar with that house at the farm? A. I am familiar with the house where he had his room, yes, sir.

Q. Did you ever make an inspection in that house? A. Yes, sir.

Q. What sort of rooms did it have? A. That was one of the original farmhouses, and it was a substantially constructed house. The rooms were a little bit larger than the rooms at Bethel. Part of them were occupied by other members of the family at Kingdom Farm, and one of them was occupied by Judge Rutherford when he went there.

Q. And when he was not there, did anyone else occupy his room? A. Yes, sir.

Q. The whole house then was not set aside for Judge Rutherford, is that right, at the farm? A. That is correct, it was not.

Q. Did Mr. Moyle discuss with you on the occasion that he went to the farm with you regarding whether or not this whole house was set aside for Judge Rutherford? A. No, sir.

Q. Did he while he was with you on the way to the farm and back make any protest to you over these conditions that he found existing at the farm? A. He did not.

Q. Did he evidence any dissatisfaction of any kind at any time? A. No.



Q. Were provisions made for the medical care of the members of the Bethel Family by the Judge? A. Yes, sir, the family had—one of its members was a doctor.

Q. This treatment room that you mentioned or hospital room on the seventh floor, you were familiar with Judge Rutherford's physical condition during the latter years of his life, were you not? A. I was.

Mr. Bruchhausen: What year is this? This is after 1939.

The Court: 1937, 1938 and 1939.

Mr. Bruchhausen: I object to anything after 1939.

The Court: No, this is all 1937, 1938 and 1939.

Mr. Covington: That is right, confining it to 1936, 1937, 1938 and 1939.

The Court: That is right.

By Mr. Covington:

Q. Were you familiar with his physical condition during those years? A. Yes, sir.

Q. State whether or not it was good or bad. A. It was very bad.

Q. What age was Judge Rutherford say during 1939, approximately? A. Approximately seventy, sixty-nine or seventy.

Q. During the time that Mr. and Mrs. Moyle resided at the Bethel Home, did you ever have occasion to converse with them regarding the rules of the family, either one of them? A. No, sir, I don't believe I ever did.

Q. Did you ever have occasion to talk to Mr. Moyle regarding the quota that was set by the



Society for the brethren throughout the country to aim for in the preaching activity from house to house? A. Yes, sir.

Q. When was that, if you recall? A. That was on a return from Kingdom Farm in 1938.

Q. Tell us, please, what that conversation was. What was said, if you remember? A. While going to the train, the statement in the "Watch Tower" came up in conversation, which brought to the attention of the publishers their privileges and responsibilities for pushing the Kingdom activities in the field from house to house, and suggested that a quota be established by company publishers of sixty hours per month in field service. I expressed my enthusiasm over the quota as recommended or suggested, and Mr. Moyle said he thought it was unreasonable and would discourage the brethren and that he disapproved of such a suggestion being made.

Q. Mr. Suiter, do you recall the occasion of the Madison Square Garden meeting on June 25, 1939? A. Yes, sir.

Q. In New York City? A. Yes, sir.

Q. Were you at that meeting? A. I was.

Q. You know, do you not, that the meeting was invaded—

The Court: Let him testify.

Q. Just tell us what happened on that occasion during that delivery of the "Government and Peace" lecture? A. During the delivery of the lecture by Judge Rutherford, several hundred men and women who were Coughlinites invaded the Madison Square Garden, took seats in an advantageous position behind the speaker,

behind the speakers' platform, and made a violent attempt to disrupt and break up the meeting.

Q. You were not involved directly, then, were you, in any of the Madison Square Garden cases as such along with Mr. Heath? A. No, sir, I wasn't.

Q. Were you afterwards involved in a case—I withdraw that for the time being. I show you Plaintiff's Exhibit 4, which is a letter addressed to Judge Rutherford and signed by O. R. Moyle—

The Court: You know that letter.

Q. (Continued) That is the letter in controversy in question (handing to witness)? A. Yes, sir.

Q. When did you first learn of the contents of that letter? A. On August 8, 1939.

Q. Would you please tell us the occasion and how you came to learn of the existence of that letter? A. The occasion was a joint meeting of the Boards of Directors of the Pennsylvania and New York corporations of the Watch Tower Society called by Judge Rutherford at breakfast time, the meeting being set for ten, and being a member of the Board of Directors, I was, of course, present. Mr. Moyle was also present upon Judge Rutherford's invitation extended at breakfast at the same time.

Q. At the time you received notice at the breakfast table, did you know of the existence of this letter or the fact that it had been delivered to Judge Rutherford? A. No, I did not.

Q. Or any of its contents? A. No, sir.



Q. Had you ever heard of it up to that time? A. No, sir.

Q. Just tell us what took place, if you recall—

The Court: Couldn't you shorten this by asking if he heard the other witnesses' testimony and if his testimony would be the same?

Mr. Covington: Yes, your Honor. If that is satisfactory, that will save a lot of time.

The Court (addressing Mr. Bruchhausen): You have no objections, have you?

Mr. Bruchhausen: I have none.

By the Court:

Q. You heard the last witness testify—you were sitting over there (indicating)? A. Yes, sir.

Q. Would your testimony be the same regarding that meeting of August 8th, the Board of Directors' meeting? A. Substantially, with a few additions.

By Mr. Covington:

Q. Can you add anything different from what he said and also tell us what you said, please? A. I would like to add the fact that the meeting was opened by prayer. Likewise, that after the reading of Mr. Moyle's letter, in general discussion by the members of the Boards, I stated that I knew to my knowledge that Mr. Moyle was not in a position to make the assertions he did, that I knew them to be false from my own



knowledge and information. I would like also to add that one—that I was one of the committee of three appointed to draw up the resolution which the committee of three did draw up.

Q. Tell us, please, who the members of the committee were that did prepare and draft the resolution. A. Mr. T. J. Sullivan, Mr. H. H. Riemer, and myself.

Q. How long was the committee out in the preparation of the resolution? A. About 30 minutes.

Q. I hand you a paper and ask if you can identify that, please (handing to witness). A. Yes, sir, this is the original of the resolution which I typed.

Q. You typed that in the secretaries' office, did you? A. Yes, sir.

Q. Did the committee discuss the contents of the resolution before it was prepared? A. Yes, sir.

Q. And look up the Scriptures cited? A. Yes, sir.

Mr. Covington: We offer that in evidence, please.

(Mr. Bruchhausen examines paper offered in evidence.)

Q. While he is looking at it, I will go on with some questions: You heard the comments made by Judge Rutherford, did you not? A. Yes, sir.

Q. And, of course, your testimony would be substantially the same as that of Mr. Franz, would it not? A. Yes, sir, with a few additions.

By the Court:

Q. With the additions that you made now? A. No, other additions I would like to make.



Q. Make it now. A. I would like to state also that just preceding the comments of Judge Rutherford and after the resolution had been adopted, that I expressed by conviction that I, having served congregations in this section of the country, knew the standing that Mr. Moyle had among them, and that personally I would like to see some word of Mr. Moyle's course of action be conveyed to these brethren. I made that expression.

By Mr. Covington:

Q. Did you hear Mr. Moyle or did Mr. Moyle offer any evidence of the charges made in this letter outside of the letter itself? A. He offered absolutely none.

Q. You attended a meeting later on, did you not, Mr. Suiter, in September? A. Yes, sir.

Q. September 21st? A. Yes, sir.

The Court: That also has been testified to by the last witness. Did you hear him testify?

The Witness: Yes, sir.

The Court: Would your testimony be the same?

The Witness: Substantially.

The Court: Anything you want to add to that?

The Witness: Only the statement that upon learning that it was contemplated by the President and by the other members of the Board, in harmony with my own thoughts and convictions that some word of this action and the developments should reach the company—



Mr. Bruchhausen: I object to the witness' thoughts.

The Court: Objection sustained. Did anything happen at the meeting that you want to add.

By Mr. Covington:

Q. Was anything said or done at the meeting? A. I expressed by wholehearted approval of carrying this information to the brethren in Wisconsin and elsewhere.

Q. And you, too, signed it? A. Yes, sir.

Q. Did you believe the contents of the article, "Information," to be true? A. Yes, sir I knew it was true.

Q. And on that occasion did you also see letters that had been circulated or at least sent into the office signed by Laura and Leland Rouse on the desk of Judge Rutherford? A. I saw those letters before that meeting.

Q. And where was that? A. In the Bethel servants' office.

(Letter previously offered by Mr. Covington received in evidence and marked Defendants' Exhibit D-30.)

The Court (addressing Mr. Covington): Are you finished with this topic, because I am going to adjourn.

Mr. Covington: I am not through with the witness, your Honor.

The Court: I know you are not through with this witness. Are you finished with this topic?

Mr. Covington: There is the matter of



the contents of the letter I would like to go into tomorrow.

The Court: You can go into it now, but I thought the jury had a pretty long day.

Mr. Covington: I am not insisting, but I want to meet what suits the pleasure of the Court.

The Court: We will now adjourn until 9:30 tomorrow morning.

(Whereupon, the trial was adjourned to Thursday, May 20, 1943, at 9:30 a.m.)

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May 20, 1943,
9:30 a.m.

(Trial Resumed.)

The Court: Before you start, for reasons that you can perhaps guess, I am going to adjourn from twelve until three today. I have had a very bad cold. So you can guide yourselves accordingly. Then I will sit until five. So we will adjourn from twelve to three.

GRANT SUITER, resumed the stand and testified further as follows:

*Direct examination by Mr. Covington (Continued):*

Q. Mr. Suiter, during the month of September, on or about the 21st day, did you attend another meeting of the Board of Directors or mem-

bers of the Board of Directors in the office of Judge Rutherford? A. Yes, sir.

Q. Do you recall the day that that took place, approximately? A. September 21, 1939, as I recall.

Q. And on that occasion what was taken up for consideration? A. The article "Information."

Q. And did you see and read the article "Information"?

The Court: At that time.

Q. (Continued) At that time? A. I heard it read at that time.

Q. Did you see any letters that purported to be written by Laura and Leland Rouse— A. Yes, sir.

Q. (Continued) —having copies of Mr. Moyle's letters attached? A. I did.

Q. And based on the knowledge that you had of the facts concerning Mr. Moyle's course of action, and the other facts that you had before you, did you believe that the contents of the article entitled "Information" were true? A. Yes, absolutely true.

Q. And for what purpose did you sign the article entitled "Information"?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: We except.

Q. Was the purpose of signing the article entitled "Information" to provide Mr. Howlett with evidence to take to Wisconsin?

Mr. Bruchhausen: I object.



The Court: Objection sustained. It is leading and suggestive and improper in form.

Mr. Covington: Exception.

Q. What, if anything, was the purpose in providing—I will ask you, was Mr. Howlett provided with the article entitled "Information"? A. He was.

Q. What was the purpose of Mr. Howlett taking the article entitled "Information"?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Mr. Covington: We except.

Q. Did you ever hear Judge Rutherford render ill treatment to the Bethel Family? A. I never did.

Q. Did you ever see any evidence of discrimination on the part of the Judge against his brethren? A. No, I saw none whatever.

Q. Did you ever hear Judge Rutherford publicly condemning and ridiculing his brethren for making comments at the table? A. No, sir.

Q. Did you read this paragraph on "Marriage" and determine whether or not that was false? A. I read that and determined that it was false.

Q. Did you ever hear anyone use filthy and vulgar language at the Bethel table? A. I have not.

Q. Did you ever hear liquor glorified at the Bethel table? A. I did not.

Q. Did you believe that all of this letter was false, every paragraph of the letter was false?

The Court: Except the first one.



(Continued) Except the first one? A. I knew it was false.

Q. Did you have any malice or ill will towards Mr. Moyle in signing the article entitled "Information"? A. No, sir, I did not.

Q. Did you believe that the brethren were entitled to have that information? A. I did.

Q. Did you believe it was your duty to provide Jehovah's Witnesses with the information contained in that article?

Mr. Bruchhausen: I object to the question.

The Court: I will allow him to answer.

A. Yes, sir, I did.

Q. Did you believe the statements contained in the article entitled "Information" pertaining to comment as to Mr. Moyle's action to be fair and just comment as to his actions? A. Yes.

Mr. Bruchhausen: I object to the question.

The Court: He has answered it now. I am going to allow the answer to stand. But the question is bad in form.

Q. Did the article contain a true expression of your honest belief as to Mr. Moyle's conduct? A. Yes, sir, it did.

Q. You read the article entitled "Snares," did you not? A. Yes, sir.

Q. You had nothing to do with the publication of that article, did you? A. No, I had nothing to do with it.

By the Court:

Q. The first time you read it was when it ap-



peared in the "Watch Tower" of November 15th when you read it? A. That is correct.

Q. You had nothing to do with the preparation or the putting of it in that publication? A. That is correct.

By Mr. Covington:

Q. Do members of the Bethel Family serve as special ministers and evangelists to congregations in and around New York? A. Yes, sir, they do.

Q. Do you know whether or not members of the Bethel Family who reside at 124 Columbia Heights and who work at the factory are recognized as ministers by the Federal Government?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. I do not see how that is material here.

Mr. Covington: I would like to have this marked for identification.

The Court: Before you mark it for identification, we would like to know something about it.

Mr. Covington: I would like to show it to your Honor (handing paper to Court).

The Court: I do not see how that has any bearing in this case.

Mr. Covington: I could explain it later.

The Court: Hold it and you can explain it later. I will give you an opportunity at the right time. This witness will be here if you want to call him back. But hold it because it is a little out of



order now. I will listen to any explanation in private.

Mr. Covington: Would you like to have it marked?

The Court: No. Suppose you keep it. This witness will be here all the time.

Mr. Covington: That is right.

The Court: So that the record is straight, you will have all the opportunity in the world to explain it later.

Mr. Covington: Yes, sir.

Q. Do you know the standing of the Bethel Family among Jehovah's Witnesses in the various congregations that you have traveled for integrity, uprightness and Christian life? A. I do.

Mr. Bruchhausen: I object to that.

The Court: He has answered it. I will permit the answer to stand.

Q. Would you tell whether or not that is good?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained.

Q. You testified concerning a place at Staten Island where Judge Rutherford did work in the summertime other than the main house there. Would you describe to the jury that place, please? A. There was a shack at one end of the garden near the woods, with woods on one side and the garden on the other, which was screened in some distance from the main house, where Judge Rutherford did some of his writing and studying.

Q. Why was that provision made?



Mr. Bruchhausen: I object to the question.

The Court: Objection sustained.

Q. What moved the construction of that building?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained. Don't you think we have had enough on that? Two witnesses have testified that it is a place where Judge Rutherford did work and there were no sleeping accommodations. The record is very clear on that.

Mr. Covington: I did not remember whether he testified about the sleeping accommodations.

The Court: The other witness testified that there were no sleeping accommodations there.

Q. Did you sign the article entitled "Information" voluntarily? A. Yes, sir.

Q. When was the last time that you saw Mr. Moyle before this trial? A. The day that he left on August—the last time I spoke to him was on August 8, 1939.

The Court: He asked you the last time you saw him.

Q. The last time you spoke to him, was that on August 8, 1939? A. Yes, sir.

Q. Tell us what, if any, conversation you had with Mr. Moyle and where that was. A. The conversation occurred on the sidewalk in front of Bethel. Mr. Moyle was attending to the loading of some of his—

By the Court:

Q. When he was preparing to leave? A. Yes, sir. And I went to him and said, "Mr. Moyle, why did you give our brethren in New England advice to send their children to military schools and to don the uniform and comply otherwise with military organization, and then in the event war was declared to take off the uniform and decline to bear arms?" I said, "You know that such advice would be to take a course that is hypocritical and that is treasonable, and Jehovah's Witnesses have never taken such a course. And why did you advise the brethren to do that?"

By Mr. Covington:

Q. And did he make any comment to that statement? A. Mr. Moyle shrugged his shoulders and said "That is my business."

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You did not mention anything about this conversation in your article "Information," did you? A. No, sir.

Q. You did not mention anything about it yesterday when you were talking about what happened on August 8th? A. No, sir.

Q. Last night you stayed at Bethel, didn't you? A. Yes, sir.

Q. The defendants' attorney lives there too, doesn't he? A. Yes, sir.

Q. All the director-defendants live there? A. Yes, sir.



Q. And where do you hold your conferences in that building on this case, what room? A. There have been no conferences in that building on this case to my knowledge.

Q. You never talked to the attorney who lives in the building about this case? A. Yes, sir.

Mr. Covington: If your Honor please, this matter of going into conference with the attorney is immaterial.

The Court: Objection overruled. It is cross-examination.

Q. You want to tell this Court and jury that you never talked to the attorney—

The Court: He just said he did talk to the attorney.

Mr. Bruchhausen: Oh, pardon me.

Q. When did you talk to the attorney? A. Two or three times during the past week.

Q. When was the last time you talked to him? A. The last time I spoke to him was this morning here in the court-room. The last time I talked to him about the case was last week-end.

Q. Did you talk to him this morning about this conversation on the sidewalk? A. No, sir.

Q. When did you tell the attorney about this conversation on the sidewalk? A. About three weeks ago.

Q. And how many were present in the conference that you had with the attorney? A. Mr. Covington and myself.

Q. Do you mean to tell us that never in all this time before this case had gone to trial that you and the other directors and the attorney



have not met together? A. That is correct, I mean to say that.

Q. Have you talked to the other directors about the case? A. Yes, sir.

Q. And you have talked in conference with them, haven't you? A. No, sir.

Q. How have you talked with them? A. Individually, one or two of us, sometimes three of us.

Q. Each one of you regularly? A. No, sir.

Q. And whom did you last talk to as one of the directors? A. Mr. Knorr.

Q. He is president of the corporation, isn't he? A. Yes, sir.

Q. When did you last talk to him? A. Last night.

Q. And you talked about the case? A. No, sir.

Q. When did you last talk to him about the case? A. Yesterday morning.

Q. Did you tell him about the conversation on the sidewalk? A. No, sir.

Q. When and where before this conversation on the sidewalk on August 8th did you hear anything about Mr. Moyle's attitude on sending children to military school? A. In Judge Rutherford's office just a few minutes before I went down to the sidewalk and spoke to Mr. Moyle.

Q. You did not discuss that at the meeting of August 8th, did you? A. No, sir.

By the Court:

Q. Who told you, Mr. Rutherford? A. Judge Rutherford told me, yes, sir.



By Mr. Bruchhausen:

Q. And when did Mr. Rutherford say that he had heard something about it? A. He didn't tell me. He said—

Q. I am just asking you when.

The Court: A few minutes before he went down to the sidewalk—is that right?

The Witness: Yes, sir.

Mr. Bruchhausen: No, I am asking, if your Honor please, when Mr. Rutherford said he had heard anything about it.

The Witness: He didn't tell me when he had heard, but he told me at that time the statement.

By Mr. Bruchhausen:

Q. What time of the day was this when you had this conversation with Mr. Rutherford? A. It was late in the afternoon or in the early evening, as I recall.

By the Court:

Q. This was after Mr. Moyle had been told to leave Bethel that you heard from Mr. Rutherford? A. Yes, Your Honor.

By Mr. Bruchhausen:

Q. What time in the afternoon were you on the sidewalk? A. In the evening, late afternoon. It was almost supper-time, as I recall.

Q. You were the one who gave the order at the direction of Mr. Rutherford to oust Mr. Moyle, wasn't it? A. No, sir.

Q. You saw that he left from the building before nightfall, didn't you? A. Yes, sir.



Q. That was your instruction? A. Yes, sir.

Q. And you followed him right out to the sidewalk? A. No, sir.

Q. Was it necessary in your duties to go out on the sidewalk with him? A. Yes, it was.

Q. Wasn't it to see that he actually got out? A. No, sir.

Q. At this Kingdom Farm, that is a very large farm, isn't it? A. Yes, sir.

Q. It has cows and goats and chickens and a slaughter-house and all the equipment of a large farm, has it not? A. Yes, sir.

Q. You know Mr. Booth, do you not? A. Yes, sir.

Q. He is the manager of the farm? A. Yes, sir. His title is farm servant.

Q. But he takes care of the supervision of the farm? A. That is correct.

Q. This house that Mr. Rutherford went to had oil heating, did it not? A. Coal.

Q. You are positive about that? A. Yes, sir.

Q. If I told you that Mr. Poe said in a deposition that it had oil heating, would that change your opinion?

Mr. Covington: Just a moment. Counsel is going into a time that is entirely different.

The Court: You are assuming that this is the time that Judge Rutherford—you asked him the house in which Judge Rutherford lived. We are talking about the time that Judge Rutherford was alive.

Mr. Covington: But I happen to know—



The Court: Make an objection if you want to.

Mr. Covington: I object to the use of an affidavit to this witness signed by a third party which the witness has not seen and which is entirely hearsay as to this witness.

Mr. Bruchhausen: I will withdraw the question.

Q. There was a main house where a great many of those who were on the farm stayed, wasn't there? A. Yes, sir.

The Court: We are talking about the year up to the time that Mr. Moyle left in August of 1939; all these questions are up to that time?

Mr. Bruchhausen: That is correct.

The Court (addressing the witness): Please fix that in your mind.

Q. By the way, in this house where Mr. Rutherford stayed, there was a kitchen and dining room, was there not? A. Yes, sir. It was an old farmhouse.

Mr. Bruchhausen: I move to strike out "It was an old farmhouse."

The Court: Strike it out.

Q. Just answer my questions, please.

The Court: Yes. Please don't render anything.

Q. You are very anxious to volunteer information, aren't you?

The Court: Objection sustained.

Q. There was a dining room for the people on the farm, wasn't there? A. Yes, sir.

Q. It was a very large dining room? A. Yes, sir.

Q. That is where everybody ate, everybody who worked around the farm ate? A. Yes, sir.

Q. And this dining room and kitchen in Mr. Rutherfords' house was separate and apart from that? A. No. That wasn't Mr. Rutherford's house.

By the Court:

Q. The house in which he stayed? A. Yes, sir, that was separate and apart.

Q. You understand all these questions are up to August 8, 1939? A. Yes, sir.

Q. If the condition has been changed since that, we are not concerned with that. A. Yes, sir.

By Mr. Bruchhausen:

Q. That is the house where Mr. Rutherford always stayed when he went to the farm, isn't it? A. I don't know.

By the Court:

Q. As far as you know? A. As far as I know.

By Mr. Bruchhausen:

Q. And when he did not go there, it was idle? A. No, sir.

Q. How do you know that? A. It was used by other members of the Bethel Family when he wasn't there.

Q. How many times were you up on the farm in 1939?



The Court: Up to August 8th.

A. I don't know exactly; probably two or three times.

Q. And on each of those occasions, how long did you stay? A. Just two or three days.

Q. You don't know what went on at the farm the rest of the time of your own knowledge, do you? A. Not in detail, no, sir.

Q. Of your own knowledge? A. That is right.

Q. So out of these two or three times that you stayed there for a few days at a time in 1939, you did not know what the situation was with that house up there of your own knowledge, did you? A. Yes, sir, I knew.

Q. Of your own knowledge? A. Yes, sir.

Q. You were not there other than the two or three times in 1939—

By the Court:

Q. You mean from some reports that were sent to you? A. Yes, sir.

By Mr. Bruchhausen:

Q. I am speaking of your own observation. A. Not my observation, no sir.

Q. And that is true also of 1938, is it not? A. Yes, sir.

Q. And also of all the years since 1935? A. In all those years I visited there and observed.

Q. You visited what, two or three times a year during those years? A. No; more frequently during the later years.

Q. Did you stay there for weeks at a time? A. No, sir.



Q. Did you go there in the wintertime? A. Yes, sir.

Q. What winter were you there during 1935 and 1939? A. The winter of 1937 to 1938—

Q. How long did you stay there in that winter? A. Two or three days.

Q. And you know in this house where most of these men stayed was a dining room, was there not? A. Yes, sir.

Q. And you know what heating equipment was in that house, do you not? A. Yes, sir.

Q. There were some heaters in the hallways, were there not? A. Radiators, yes, sir.

Q. But there were no radiators in any of the bedrooms, were there? A. Yes, sir, I believe there were.

Q. Are you positive about that? A. No, sir.

Q. It is possible that there were not? A. It is possible.

By the Court:

Q. Are you sure some of them did not have radiators in them? A. I am sure some of them did. I think all did, but possibly not all did. But there were radiators conveying heat to all the rooms.

By Mr. Bruchhausen:

Q. You are not positive of this, are you? A. I am positive of what I just said.

Q. Didn't you just say "I think so"? A. Yes, sir, I said I think they are in all the rooms, but there may be some that don't have a radiator in them. All the rooms are heated by steam heat through means of radiators.



Q. The radiators are not in the rooms, are they? A. Yes, sir, they are.

By the Court:

Q. Some of them may not have radiators, and your story is that they get heat from the outside, from the halls, something like that, is that what you want to tell us? A. Yes, I want to tell you that all the rooms, the entire building—

Q. Don't make any speeches. Wait a minute. I am very patient. You say you are not sure whether all the rooms had radiators, is that so, yes or no? A. Yes, sir.

Q. And those that may not have, you say, get heat from some place else, is that right? A. Yes, sir.

By Mr. Bruchhausen:

Q. How many floors in the building? A. Two and a basement.

Q. How many rooms on the second floor? A. I believe there was six.

Q. Do you know? A. That is my best recollection.

Q. Do you know? A. To the best of my recollection, it was six.

Q. How many rooms on the next floor? A. Five.

Q. Are there any floors above that? A. No. The floor, that is the first floor, has the five. The second floor has six.

Q. Take the top floor, which rooms have radiators in them? A. I don't remember.

Q. Take the one next to the top floor, which



rooms have radiators in them? A. They all do, as I recall.

Q. Do you know? A. Yes, sir.

Q. Isn't it possible that some of them haven't radiators in them? A. No, sir.

Q. You are positive about that? A. Yes, sir.

Q. When did you last look on that floor and inspect them? A. I believe it was last February or March of this year.

Q. And where did you stay? A. I stayed at Gilead, the new building that has been built since—

Q. You did not stay in this house at all? A. No, sir.

Q. What occasion did you have to go on the second floor? A. I was looking to see what furniture was there with a view of bringing some down to Bethel in Brooklyn. We needed some more, and I thought there was some extra furniture there.

Q. This was in 1940? A. No, sir, that is this year, 1943.

Q. Did you go up there in 1939? A. Yes, sir.

Q. You know that there has been considerable change made up there since 1939, don't you? A. Yes, sir.

Q. A lot of new buildings and construction? A. Three new buildings, as I recall.

Q. And one very large building? A. Yes, sir. That is Gilead.

Q. That is to house some 150 people, isn't it? A. Yes, sir; that is the college building.

The Court: He did not ask you that. It is to house 150 people? You said "Yes, sir." Please answer the questions.

The Witness: I am sorry.



Q. Are you familiar with the farm in Florida? A. No, sir, there is no farm in Florida.

Q. You know that they had some arrangement with a farm in Florida, don't you? A. I knew there was some arrangement for getting food from there.

Q. You know that there is some arrangement with a farm or farmer in Newburgh, New York? A. Not exactly.

Q. Was there some arrangement made with a farmer in Newburgh to furnish produce? A. There is a farmer there who sends down quite a bit of produce as a contribution.

Q. So there is an arrangement with a farmer? A. Yes, sir.

Q. You spoke, did you not, about a conversation, alleged conversation you had with Mr. Moyle about publishers serving sixty hours a month, is that correct?

The Court: Going up on the train to Ithaca?

The Witness: That was on the return, coming to the train.

Q. Am I stating it correctly? A. Yes, sir.

Q. Sixty hours a month? A. Yes, sir.

Q. Was that a printed or typewritten rule? A. No, sir. That was based on the article in the December, 1938 "Watch Tower" magazine, Kingdom Activities, which article recommended and suggested that the company publishers establish that as a quota to measure their field activities by and to strive for.

Q. And these publishers are part-time workers, are they not? A. Yes, sir.

Q. They are not people who live at Bethel at $10 a month and get their keep there, are they? A. Yes, sir, they are included.

Q. Aren't there other publishers other than those who live at Bethel? A. Yes, sir.

Q. And this writing in the "Watch Tower" was that they were to serve sixty hours a month, is that correct? A. Not exactly. They were recommended to establish that as a quota. That was suggested based on two hours a day devoted to the Lord's service, sixty hours a month as a quota, not as a rule.

Q. Were you in favor of the quota? A. Yes, sir.

Q. You were in favor of it because it was stated in the "Watch Tower"? A. No, sir.

Q. But that influenced you, did it not? A. Yes, sir.

Q. And you have not at any time dissented about any of the statements in the "Watch Tower"? A. No, sir.

Q. And you objected to Mr. Moyle commenting on that rule, didn't you? A. No, sir.

Q. Or indicating his dissatisfaction about it? A. No, sir.

Q. You made particular mention of that conversation here yesterday, didn't you? A. Yes, sir.

Q. Wasn't there something about that comment by Mr. Moyle that caused you to come in to court here and tell the jury about it? A. Yes, sir.

Q. You did not like it because he disagreed with the rule, is that it? A. No, that is not it.

Q. He indicated that sixty hours a month was



too much for people who were only on part-time, didn't he? A. No, he did not indicate that.

Q. Did he indicate that it should be more than sixty hours? A. No, sir.

Q. Didn't you get the impression that he was dissatisfied with the rule? A. Yes, sir.

Q. And you got the impression that he was dissatisfied because sixty hours was too much? A. No, I didn't get the impression that that was his dissatisfaction. It wasn't a rule.

Q. At least he was dissatisfied with the rule?

The Court: Not with the rule. He is finding fault with the word "rule"—is that it?

The Witness: Yes, your Honor.

The Court: With the suggestion, or whatever you want to call it?

The Witness: Yes, sir.

The Court: What do you want to call it?

The Witness: Suggested quota.

The Court: Suggested quota instead of rule.

Q. And you were dissatisfied because he had expressed his opposition to that rule? A. No, I wasn't dissatisfied.

Q. You made some particular mention of it anyway, didn't you? A. Yes, sir.

Q. How many rooms were there on the fourth floor of Bethel at Columbia Heights? A. I believe it is thirteen.

Q. And how many occupants were there on that floor? A. Approximately twenty-five.

Q. On the four floors, the first to the fourth



floor, how many occupants were there? A. There are approximately the same number on each of the floors.

Q. A total of about how many? A. Approximately one hundred persons.

Q. Were there at one time two hundred people staying there? A. At Bethel, yes, sir.

Q. Where did you put the other hundred people other than in the place you have mentioned? A. The floors above the fourth floor in the front building on which the figures given apply and then also the portion of the Bethel we term the rear building has a large number of living rooms also. Bethel is in two buildings, the front and the rear.

Q. On the average, the front and rear building on the fourth floor—does the rear building go to the fourth floor? A. No, it only goes to the third floor.

Q. Take the third floor, taking that floor and including the rear building, how many rooms are there? A. Twenty-three, I believe.

Q. And how many occupants are there on that floor? A. Approximately forty, forty-two, forty-four.

Q. The seventh floor that you referred to is the top floor, isn't it? A. Yes, sir.

Q. And that is where Mr. Rutherford made his headquarters? A. Yes, sir.

Q. How many people or occupants were there on that floor? A. Five.

Q. Was there any floor other than the seventh floor where there were five or less occupants? A. Yes, sir.

Q. Which floor? A. The other floors that were



devoted partially to offices, such as the basement floor where the radio and secretaries' offices are located, likewise some other rooms devoted to other use, the same as some of the rooms on the seventh floor were devoted to other purposes than bedrooms.

Q. The first floor did not have any bedrooms on it, did it? A. The first floor?

Q. Yes. A. Of Bethel? Yes, sir.

Q. How many bedrooms? A. That includes both the rear and the front buildings also. The same as the other floors, with the exception that the lobby at Bethel cuts out three rooms.

Q. The front part of the building had all of the space for public space, did it not, for dining room and reception and so forth? A. No, sir, the dining room is in the rear building two flights below the Columbia Heights street level.

Q. There were no bedrooms in the front part of the building on the first floor? A. Yes, sir, there are bedrooms there. There are nine bedrooms, I believe.

Q. And how many occupants of that? A. Eighteen.

Q. And that is comparable to the seventh floor, is it not? A. Yes, sir.

Q. In 1939, how many occupants were there of Bethel? A. There were over 200.

Q. And how many of those were young people? A. I don't know how many were young people. A large percentage of them were young people.

Q. Would you say more than fifty per cent of them? A. No, sir.

Q. They were boys, weren't they? A. No, sir. There are no boys there.



Q. Were they under twenty-five? A. Some of them were.

Q. Many of them under thirty? A. Yes, sir, quite a few under thirty.

Q. And at the present time that same situation exists, does it not? A. Very similarly as to age, yes, sir.

Q. During the years, you had members or Jehovah's Witnesses coming in there to take residence and some of them leaving, didn't you? A. Yes, sir.

Q. And a great many left in each of those years? A. No, not a great many.

Q. Some left? A. Yes, sir.

Q. How many left in the year 1939? A. I don't know.

Q. You were the manager, weren't you? A. Yes, sir. I could check the records, but I don't recall the number.

Q. Would it be as many as fifty? A. No, sir.

Q. As many as twenty-five? A. I don't believe so.

Q. And some of them left without stating that they were going to leave, didn't they? A. Not to my knowledge.

Q. Weren't you in charge? A. No, sir, I wasn't in charge. I was general superintendent at that time, but I don't recall anyone leaving without stating they were going to leave.

Q. Didn't you keep a record of those leaving? A. Yes, sir.

Q. And those coming in? A. Yes, sir,

Q. Will you tell this Court and jury that in the year 1939, that none of those who left left without notice? A. No, I wouldn't say that. I don't know.



Q. And even during the period prior to that time, there were those who left without notice? A. Not to my knowledge. I don't know, there might have been some, but there might not have been any.

Q. You don't know? A. That is right.

Q. And then during the period from 1935 to 1939, there were some who left after notice, weren't there? A. Yes, sir.

By the Court:

Q. Did you see everybody to the sidewalk? A. No, sir. I didn't see Mr. Moyle to the sidewalk either, your Honor.

By Mr. Bruchhausen:

Q. When they left, did you provide accommodations for them to move? A. No, sir.

Q. When Mr. Moyle left, did you call up somebody or make arrangements for him as to where he should go and his conveyance and that sort of thing? A. No, sir.

Q. The only part you played in it was to see that he got out, wasn't it? A. No, sir.

Q. But you did see that he got out? A. Yes, sir.

Q. How long have you been a minister? A. Since 1926.

Q. You became a minister on what date in 1926? A. October 6th, I believe, is the date.

Q. And did you get a certificate? A. No, sir.

Q. Who told you you were a minister on October 6th? A. The Local Ecclesia of Bible Students in San Jose, California, conducted the ceremonies in which I participated, and in which ceremonies I was immersed as a symbol of my consecration,

and they ordained or ordered or appointed me to serve that congregation, and I did so from then on. That was prior to my coming to Bethel.

Q. What divinity school did you go to? A. No divinity school.

Q. You say that you met Mr. Rutherford in 1926? A. In 1928.

Q. Did you hear him on the radio or get some "Watch Tower" pamphlets before 1928? A. Yes, sir.

Q. And you became interested in it through the pamphlets? A. Not at first. At first I became interested in it through the public meetings that were being held in San Jose, California, on the subject "Millions now living will never die."

Q. And you believe in that doctrine, is that correct? A. Yes, sir.

Q. But Mr. Rutherford died, didn't he? A. Yes, sir.

Q. He was not included in those "Millions," was he? A. No, he was spirit-begotten. The millions who never die are comparable to the Jonadabs, the other sheep of the Lord, whose life hope in life will be granted here on earth under God's Kingdom. The "Millions now living who will never die" refer to that class, not God's anointed who must die in order to share in His death and resurrection.

Q. Is it your idea that Mr. Rutherford is still alive? A. It is my idea and fond belief, and based on the Scriptures, that he has been resurrected, yes, sir.

Q. You have continually read the "Watch Tower" magazine ever since 1926? A. Yes, sir.



Q. Have you read any other religious publications? A. Yes, sir.

Q. What ones? A. I have read the publications, some of them, of the "Seventh Day Adventists." They had a headquarters in the town I lived in in California. Also some others—

The Court: Since you went to Bethel, have you read any others—is that what you mean (addressing Mr. Bruchhausen)?

Mr. Bruchhausen: Yes, sir.

The Witness: Excuse me. Not since I have been to Bethel to study, but I read some.

The Court: Or since you had that ceremony in California and became an ordained minister, have you read anything except publications of Jehovah's Witnesses?

The Witness: Yes, sir, I have.

The Court: That is what he wants to know. What are they?

Q. Since 1926, have you addressed any religious meetings or any meetings which have anything to do with the Bible and Scriptures other than the Jehovah's Witnesses' meetings? A. No, sir, I don't believe I have.

Q. So your whole time and study since 1926 has been one hundred per cent devoted to Jehovah's Witnesses' writings and teachings? A. Yes, sir, as one of Jehovah's Witnesses, that is right.

Q. Do you attend classes also in Bethel? A. Yes, sir.

Q. And is that in the evening? A. Yes, sir.



Q. How many times a week do you attend those classes? A. On an average of three.

Q. Do you belong to any organizations other than Jehovah's Witnesses? A. No, sir.

Q. You practically stay there day in and day out, do you not? A. Yes, sir.

Q. In connection with this letter of Mr. Moyle, do you register protest because he wrote a letter? A. Not because he wrote a letter.

Q. You agree that Mr. Moyle was in the position to express dissatisfaction, don't you? A. I do not agree that he was in the position to express what he expressed in his letter, no, sir.

Q. You knew he was general counsel of the organization, didn't you? A. Yes, sir.

Q. You knew he was constantly making suggestions or even criticisms about lawsuits that the Watch Tower was engaged in all over the country, didn't you? A. That I did not know.

Q. You knew that he was handling practically all the litigation all over the United States, didn't you? A. I knew as general counsel he probably was.

Q. And you were always friendly with him? A. Yes, sir.

Q. During all the period from 1935 to 1939? A. Yes, sir.

Q. Never had any cause for complaint or dissatisfaction about him? A. Well, I had cause, but I didn't attach importance to it at the time.

Q. You never expressed any dissatisfaction to him, did you? A. No, sir, nor to anyone else.

Q. And what year was it you went up to the farm with him? A. December, 1938.

Q. You went up together? A. As I recall, I



went up ahead of Mr. Moyle and he came up the following day or so, and we came back together.

Q. So you were friendly with him up to that time? A. Yes, sir.

Q. You did not express any dissatisfaction with him on that occasion? A. No, sir, except to state that I did not agree with him in the discussion on the matter of the sixty-hour quota. But that wasn't dissatisfaction with Mr. Moyle. That was my displeasure at what he said about the sixty-hour quota—

By the Court:

Q. He said it was too much? A. He said it wasn't fair.

By Mr. Bruchhausen:

Q. During all the time you were at Bethel, did anyone else express any dissatisfaction about the sixty-hour rule? A. No, sir, not to my knowledge.

Q. During all the time at Bethel, did any other members state any disagreement about anything? A. Anything? Yes, sir.

Q. And who did? A. I don't recall.

Q. And in what way? A. Well, sometimes the boys used to criticize the food, like the coffee made too strong or made too weak.

By the Court:

Q. Did they criticize at open meetings or at luncheon or dinner time or breakfast time or at meal time? A. No. Personally to me.

Q. Did you ever hear anybody complain in the dining room or at any time? A. Yes, sir, I have.



Q. What was it? A. I heard Mr. J. Y. MacAuley complain relative to the conduct of Watch Tower studies—

Q. The two incidents that the other witnesses mentioned, is that what you are going to tell us now? A. I was going to mention the one that I recall.

Q. You mean the one that the other witness mentioned about Mr. MacAuley? A. Yes, sir, that is correct.

Q. Anything else? A. No, sir.

By Mr. Bruchhausen:

Q. You say now that the only time you heard any dissatisfaction expressed in Bethel was about Mr. MacAuley?

The Court: He said that is the only one he remembered. The only one you remembered was the incident that has been described about Mr. MacAuley?

The Witness: Yes, sir, that is the only one I recall.

Q. What date was that? A. I don't remember.

Q. Do you know what year it was? A. I believe it was 1939, but I wouldn't say that positively.

By the Court:

Q. Did you ever make any suggestions yourself in the dining room or at any of the meals as to the conduct of Bethel? A. I don't believe I ever did at the dining table.

Q. Any suggestions you made were to Mr.



Rutherford in private? A. Generally so, yes, sir.

By Mr. Bruchhausen:

Q. You are not as clear about the MacAuley episode as you are about the conversation on military schools out on the sidewalk on August 8th, are you? A. No, sir, I am not.

Q. You don't even know the month that it occurred in? A. No, sir, I don't remember.

Q. You are anxious to forget anything about any criticism there, are you not? A. No, but I was involved in the conversation with Mr. Moyle and the situation was so important that I don't forget it. I remember that.

Q. You mean the situation about military schools was so important? A. The advice that he gave. The question I asked him was on a matter of such importance to Jehovah's Witnesses that it is outstanding.

Q. You were sitting in conference with all the Board of Directors for two solid hours on the morning of August 8th, and you did not say a word about military schools, did you? A. No, sir.

Q. You waited until you got out on the sidewalk in the afternoon of August 8th before you said a word about military schools? A. Not exactly. I was in Judge Rutherford's office that afternoon and I said that "Mr. Moyle is getting his things packed, and I am quite sure that he will be out today. He has told me he thinks he can make it." And he said "Before he leaves, you go down and ask him this question." And on Judge Rutherford's instructions, I went

down and asked Mr. Moyle that question about military schools.

By the Court:

Q. That is the first time military schools came in, when Mr. Rutherford asked you to go down and ask Mr. Moyle about it? A. Yes, sir, to my knowledge.

By Mr. Bruchhausen:

Q. So when you spoke to him about military schools, he was already on his way out? A. Yes, sir, he was moving out.

Q. He was fired out of the building at that time, wasn't he? A. No, sir.

By the Court:

Q. He was told to get out, is that right? A. He had been, yes, sir.

Q. He was told to get out and take his family? A. Not to take his family, no, your Honor; just his wife and he were involved—

Q. He and his wife? A. Yes, sir.

By Mr. Bruchhausen:

Q. So you thought it very important, in spite of the fact that he was ousted from the building and was on his way to Wisconsin, to go out on the sidewalk and to talk to him about military schools? A. Yes, sir, I did.

By the Court:

Q. You were instructed to do it by Rutherford, is that not right? A. That is correct.

Q. You were instructed to do it and you, as



the Bethel servant, had to do it, is that right, because you were instructed to do it? A. Yes, sir.

By Mr. Bruchhausen:

Q. Did you on that occasion on the sidewalk still consider him a Jehovah's Witness? A. No.

Q. So it was not like talking from one Jehovah's Witness to another on that occasion, was it? A. No, sir.

Q. He ceased to be a Jehovah's Witness when he got out on the sidewalk? A. No, sir.

Q. When did he cease to be one? A. When he took a betraying action toward his brethren—

By the Court:

Q. When he wrote the letter, is that what you mean? A. I believe and believed at that time that he ceased prior thereto, although the letter culminated the event and brought it to a head.

Q. It has been testified here that a man fixes in his heart when he is a minister of your sect, is that right? A. Not entirely, your Honor.

Q. He decides himself when he is a minister, isn't that right? A. No, sir, it isn't entirely right. It is partially right, but there is more to it than that. It is necessary—

The Court: I did not ask any more.

The Witness: I am sorry.

By Mr. Bruchhausen:

Q. When do you say, on what date did he cease to be a Jehovah's Witness? A. I don't know the date. It was when the Spirit of the Lord was withdrawn from him because of trait-



orous course of action. It may have been a little before that time or some time after that time, but as far as I was concerned, when I spoke to him on the sidewalk while he was packing, he wasn't leaving at that instant, he was not as a brother to me.

By the Court:

Q. You mean you had decided he was no longer at that time and had not been for some little time past a member of Jehovah's Witnesses, is that right? A. Yes, sir, that is right.

Q. What part of the Scriptures allows you to pass judgment on a man? A. Well, there is no Scripture that allows one man to pass judgment on another creature—

Q. That is all. A. And I did not pass judgment on him.

Q. That is all. You say you had determined he was no longer a member of Jehovah's Witnesses? A. That I didn't consider him as such.

By Mr. Bruchhausen:

Q. Did you consider that he was a Jehovah's Witness when he was sitting in the directors' room on August 8th? A. When he came into the room, I did.

Q. But when he left, he was no longer a Jehovah's Witness? A. I did not consider him so.

Q. They did not make any record of it in this resolution that you drew, did they, that he was no longer a Jehovah's Witness? A. Not in so many words, no, sir.

Q. There is nothing at all stated in the resolution about whether or not he was a Jehovah's Witness? A. No, sir.



Q. And you wrote the resolution, didn't you? A. I typed it, yes, sir.

By the Court:

Q. You were one of the three that drew it up? A. That is right.

By Mr. Bruchhausen:

Q. And you at no time indicated in any way that he was not a Jehovah's Witness? A. No, I did not write in the resolution anything about he being or not being one of Jehovah's Witnesses, but the resolution, of course, speaks for itself and recommends the termination of his service as counsel and the termination of his membership in the Bethel Family immediately.

By the Court:

Q. So you assumed from that he was no longer a member of Jehovah's Witnesses? A. I did not assume it from the resolution itself, but from the statements in his letter and his actions in connection therewith.

Q. And the letter was the culmination of them? A. Yes, sir.

By Mr. Bruchhausen:

Q. You considered he was not a Jehovah's Witness before he got out on the sidewalk, didn't you? A. Yes, sir. That was several hours later.

Q. And you actually thought it important that Mr. Rutherford thought it important to find out what his attitude on military schools was, is that correct? A. No, that is not correct.



Q. He was an evil servant out on the sidewalk, wasn't he? A. Yes, sir.

Q. Do you make it a practice to try to find out from evil servants what their attitude is on military schools? A. In this case—

Q. Do you or do you not?

Mr. Covington: If your Honor please, the evidence shows he was instructed. Counsel is arguing now.

The Court: Objection sustained. He testified that Mr. Rutherford told him to go down and ask him that question—isn't that what you said?

The Witness: Yes, sir.

The Court: And as Bethel servant, you went down and asked him the question?

The Witness: That is right.

The Court: What tone of voice did Mr. Rutherford use when he told you to go down and ask him that question?

The Witness: Just an ordinary conversational tone.

Q. So he was very mild, Mr. Rutherford was, when you went back and whispered to him about Mr. Moyle's attitude on military schools, is that correct? A. No, sir, I did not whisper.

Mr. Covington: I object to that.

The Court: Objection sustained. He did not testify as to whispering.

Q. Mr. Rutherford was very mild about it, was he not?

The Court: He said he used a conver-



sational tone of voice when he asked him to go down. Did he tell you the purpose of asking him?

The Witness: No, sir.

Q. And he showed no emotion about it? A. No, sir, he showed no emotion.

Q. Did you listen to Mr. Rutherford in 1939 at Madison Square Garden? A. Yes, sir.

Q. Did he show any emotion there?

Mr. Covington: If your Honor please, that is immaterial.

The Court: It is immaterial. Objection sustained.

Q. Just state to us again the words you gave us about the attitude that Mr. Rutherford displayed toward members of the family. A. His attitude was fatherly, kindly, solicitous, and as a head of a family, of which the Bethel Family is such, and also one of encouraging his younger brethren to comment, take part in the Bible discussions and table discussions without restraint, without discrimination, with freedom.

Q. You had some rule there about requiring those who came to Bethel as visitors to register, did you not? A. Yes, sir.

Q. Don't you know that those on the seventh floor did not register? A. No, I don't know that.

Q. Will you swear on your oath here as a witness that those who went to the seventh floor registered?

Mr. Covington: Just a minute. I object.

The Court: Objection sustained. What

you mean to say is you don't know, is that right?

The Witness: I presume they did, but some may not have. I don't know.

The Court: If you do not know, you have a perfect right to say you do not know.

Q. But the rule is that they registered, was it not? Isn't that in your book of rules here? A. Yes, sir.

Q. At the time you sat in the meeting on August 8th, you were a director, were you not, of one or both of the corporations? A. Yes, sir, of the Pennsylvania corporation.

Q. You were a director of that corporation when the article "Snares" was published? A. That is right, yes, sir.

Q. Did you have any Board of Directors' meeting between August 8, 1939, and the date of the publication of "Snares"? A. I don't believe we did.

Q. How many Boards of Directors' meetings did you have in 1939? A. I don't recall.

Q. You recall the one on August 8th very specifically, don't you? A. Yes, sir.

Q. And you cannot tell this Court and jury of any other directors' meeting that you attended in 1939 other than August 8th? A. No, I do not recall.

By the Court:

Q. You had directors' meetings when Mr. Rutherford called you together, and he was the president of the corporation, so he would tell



you at breakfast that there would be a meeting some time, is that the way you had meetings? A. Yes, sir—

Q. No regular dates for them? A. That is correct. It was a matter of convenience because we were all together.

By Mr. Bruchhausen:

Q. What other directors' meeting in 1939 did you have where you had a stenographer present? A. That I don't know.

Q. What other directors' meeting at any time that you ever attended in this Society did you have a stenographer present?

Mr. Covington: He has answered that, your Honor. He said he did not know.

The Court: Is that your answer?

The Witness: Yes, sir.

Q. How many directors' meetings did you attend in 1938? A. I am sure I don't remember.

Q. How many in 1937? A. I don't remember. I don't believe I was a director in 1937. As I recall—

By the Court:

Q. In 1938, when you were a director, you don't know how many meetings there were, you don't remember? A. Yes, sir.

By Mr. Bruchhausen:

Q. How many meetings as director have you attended since you have been a director? A. Many, but I don't know how many.

Q. Can you give us the date of any directors'



meeting that you have attended? A. Not offhand.

Q. Can you give us the date of any directors' meeting that you attended in 1943?

The Court: I do not see how we are concerned with that.

Mr. Covington: I don't, either. That is immaterial.

A. There have been some, but I cannot remember the dates.

Q. Is it not a fact that the directors, under the rules, gave full power to the president to carry on?

Mr. Covington: The minutes would be the best evidence on that, if your Honor please.

The Court: Have we had that resolution yet? Have you had a chance—

Mr. Covington: I have searched the matter and have found the resolution that he asked for.

The Court: Suppose you show it to him, and I will sustain the objection to this question.

Mr. Covington: The resolution shows that it was before this witness's day.

(Mr. Covington hands papers to Mr. Bruchhausen.)

By Mr. Bruchhausen:

Q. You say you were a director of the Pennsylvania corporation? A. Yes, sir.

By the Court:

Q. From 1938? A. That is my recollection, October 1, 1938.



The Court: Recollection is all you can give.

By Mr. Bruchhausen:

Q. But the president had full power to write articles, including these articles "Information" and "Snares", in the "Watch Tower" magazine and have them circulated and published?

Mr. Covington: We object to it.

The Court: Objection sustained.

Q. You never registered any objection or dissatisfaction to the publication of the article "Information" or "Snares", did you? A. No, sir.

Q. You fully subscribed to them? A. I had nothing to say about the publication of "Snares". I fully subscribed to "Information". And then when I read the article "Snares" I fully subscribed to it.

Q. And you never registered any dissatisfaction with them? A. No, sir.

Q. How many visitors did you have to Bethel who ate meals there in the year 1939? A. I don't know.

By the Court:

Q. What is your best recollection, or don't you have any? Many, or few? A. Many.

By Mr. Bruchhausen:

Q. Weren't there times in 1939 when there were no visitors at the table? A. Yes, sir.

Q. And many times? A. Yes, sir.

Q. Days and weeks would go by when there would be no visitors? A. Yes, sir.



Q. Just the family then? A. Yes, sir.

Q. And you do agree, do you not, that Mr. Rutherford did express comment at the table? A. Yes, sir.

Q. And he expressed it about individuals in the Bethel Family, did he not? A. Yes, sir.

Q. And brought attention to derelictions or criticisms that he had? A. Yes, sir.

Q. And this was a large dining room, was it not? A. Yes, sir.

Q. And he spoke so that everybody in the dining room could hear him? A. No, he wasn't capable of doing that. It required amplification.

Q. You mean his voice could not be heard?

By the Court:

Q. He had an amplifier? A. Yes, sir. His voice wasn't loud enough.

By Mr. Bruchhausen:

Q. You had an amplification system in the dining room, is that right? A. Yes, sir.

Q. And that apparatus was on his table? A. The microphone was suspended over the table he occupied and the speakers were placed about the dining room in different places so all could hear, yes, sir.

Q. So you did recall this incident about MacAuley, did you not—is that the name of the man you referred to? A. Yes, sir, I recall something about that.

Q. What year did that occur in? A. I am not certain, but I believe it was 1939.

Q. And he spoke through the microphone to



MacAuley, did he not? A. No, sir; to the entire family.

Q. When he spoke or mentioned MacAuley, he did not use the microphone, is that correct? A. Yes, sir, but it was addressed to the entire family and for all of our benefit—

Q. And it was loud enough through the microphone for the whole family to hear it? A. I believe it was.

Q. You want us to get the impression that when he spoke about MacAuley, it was in a fatherly attitude? A. That is the way it was.

Q. And what was the nature of the criticism of MacAuley? A. As I recall it, it was lengthy and in criticism of the method of conduct of Watch Tower studies that had recently been established, recently prior thereto, and that the Watch Tower studies had degenerated into mere reading periods, that the method was ineffective and should not be continued, to that effect. It was quite a long statement, however. I think it occupied the better part of ten minutes or possibly longer than Mr. MacAuley spoke.

Q. You say Mr. MacAuley mentioned his criticism there, is that correct? A. Yes, sir.

Q. And then did Mr. Rutherford speak through the microphone? A. Yes, sir.

Q. Did MacAuley speak through the microphone? A. No, that wasn't necessary—

Q. Don't give us the explanation. Did he or did he not speak through the microphone? A. No, sir.

Q. So nobody else in that dining room had a microphone but Mr. Rutherford? A. Well, the

head of the table, whoever occupied it, that is right.

Q. Was there anybody else who ever sat at the head of the table but Mr. Rutherford? A. Not when Judge Rutherford was in the dining room present at Bethel, he occupied the head of the table.

Q. You subscribe to the doctrine that the Society was God's organization on earth? A. Yes, sir.

Q. And that Mr. Rutherford was the representative God, is that correct, or the agent—what word do you use? A. No. Mr. Rutherford was one of God's servants, as are all of Jehovah's Witnesses, and the representative or servant of God on earth is the composite body of all consecrated Christians, not one man.

Q. Was there any other servant who wrote in the "Watch Tower"— A. I don't know.

Q. (Continued): —while Mr. Rutherford was there? A. I don't know.

Q. He wrote all the articles, as far as you know, didn't he? A. I don't know if he wrote them all or not.

Q. And he wrote all the books, didn't he? A. I believe others have written books but not during those particular years under discussion.

The Court: We are talking about those years.

Q. During all those years that Mr. Rutherford was there, he wrote the books, didn't he? A. That I don't know.

Q. He never asked you to write one of them, did he? A. No, sir.



Q. You have never written one of them? A. No, sir.

Q. So how long did Mr. Rutherford speak to MacAulay after MacAulay had mentioned this criticism about the study? A. Probably, as near as I can recollect, three or four minutes.

Q. So MacAulay spoke ten minutes or more and Mr. Rutherford spoke three or four minutes through the microphone? A. To the best of my recollection.

Q. And that is all the speaking that was done on that occasion? A. I am not certain.

Q. Do you recall that Mr. Rutherford spoke in a fatherly voice? You recall that, don't you? A. Yes, sir.

Q. That part of it you are certain about? A. Yes, I am certain of his kindness in speech.

Q. In your conversations with Mr. Covington and the other directors did you say anything about Mr. Rutherford's fatherly attitude? A. Yes.

Q. You have mentioned fatherly attitude a number of times down there since this case has been on, haven't you? A. I have.

Q. You felt it was rather important to have the testimony here that Mr. Rutherford had a fatherly attitude?

Mr. Covington: I object to it as argumentative.

The Court: Sustained.

Q. At least you have all agreed down there in your talks that Mr. Rutherford had a fatherly attitude?



Mr. Covington: I object to it.

The Court: Objection sustained.

A. No.

The Court: Strike out the answer.

Q. Was there anybody else of the directors that you spoke to in connection with this case who used any other expression but fatherly attitude? A. I don't recall any of them using the expression "fatherly attitude."

Q. Were you the only one that used the words "fatherly attitude"?

Mr. Covington: That is going too far.

The Court: Objection sustained.

Q. You said, and correct me, if I misstate it, that at this meeting you would like to have word conveyed to the brethren, is that right? A. Well, in substance.

Q. Did you say that or didn't you? A. Yes, in substance, that I would like to see words conveyed to the brethren in some way.

Q. That was your idea? A. Yes, sir.

Q. Was it your idea or did you make the suggestion to go down and read this letter before the Bethel Family? A. No, sir, I had in mind particularly the brethren—

The Court: No, he didn't ask you that.

Q. Was that your idea? A. No, sir.

Q. Did you make the suggestion to oust Mr. Moyle that afternoon? Was that your suggestion? A. In part in that it is incorporated in the resolution that his membership in the Bethel



Family should be terminated immediately, and I know that in my mind there was, that very day.

The Court: So you discussed this with the other two directors that were appointed to draw up the resolution and you determined then that he should leave there that day?

The Witness: Yes, that was our recommendation.

The Court: And you were part of it, part of that committee?

The Witness: Yes, sir.

Q. So it was in your mind that he was to leave that day? A. Yes, sir.

Q. And did you suggest that when you came back to supplement your resolution that he be ousted that afternoon ? A. No, sir.

Q. Did you tell Mr. Rutherford that you wanted to get him out that afternoon? A. No, sir.

Q. So that Mr. Rutherford directed you to put him out that afternoon, is that it? A. No, sir, that is not correct.

Q. Did you put him out of your own volition without any instructions from anybody? A. No, it was really instructions from the entire Board and also from the entire Bethel Family as well as from the Scriptures, that that be done.

Q. What part of the Scriptures said he had to be put out that afternoon? A. Well, in Nehemiah, Chapter 13, beginning with verses 7 to 9, this is one of four Scriptures in point: "And I came to Jerusalem and understood of the evil that Eliashib did for Tobiah in preparing him a chamber in the courts of the House of God. And it grieved me sore: therefore I cast forth all the household stuff of Tobiah out of the chamber. Then I commanded, and they cleansed the chambers: and thither brought I again the vessels of the House of God, with the meat offering and the frankincense." Then again in second John, this is in point, beginning with verse 10: "If there come any unto you and bring not this doctrine, receive him not into your house, neither bid him Godspeed. For he that biddeth him Godspeed is partaker of his evil deeds."



Then in 1 Corinthians, that is the fifth chapter, verses 11 to 13: "But now I have written unto you not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner, with such a one no not to eat. For what have I to do to judge them also that are without? Do not ye judge them that are within? But them that are without God judgeth. Therefore put away from among yourselves that wicked person." Then there is the other one I have in mind, in Matthew, 25, verse 29 and verse 30: "For unto everyone that hath shall be given, and he shall have abundance, but from him that hath not shall be taken away even that which he hath. And cast ye the unprofitable servant into outer darkness, there shall be weeping and gnashing of teeth."

Q. So that is your authority for ousting him, putting him out that afternoon? A. Those are some of the Scriptures on the point.

Q. Did you happen to run across a part of the



Scriptures that says, "Love Thine Enemies and do good to those that harm ye"? A. Yes, sir.

Q. You didn't include that in the Scriptures? A. No, I didn't read it but I took it into consideration.

Q. That is not part of your citation? A. No, sir.

Q. You didn't cite those authorities that you got now in your resolution, did you? A. No, sir.

Q. You got some other authorities cited in there? A. There are others cited there, and there are even others in the Bible that are not cited by me or the resolution.

Q. Who did the citing of the Scriptures in the resolution? The one in Jude, verses 4 to 15, was offered by Mr. Riemer, and the one in Romans, Chapter 14—

The Court: They were offered by the Committee, weren't they, and you all subscribed to them?

The Witness: Yes, sir, but he brought them up in the committee's discussion.

Q. You didn't have s—consent to consider Moyle on probation, having been there four years and having been an outstanding man in the organization, or anything like that, did you?

Mr. Covington: That is objected to as argumentative.

The Court: Sustained.

Q. When you got together on finding these Scriptures, sometimes somebody brings in some Scriptures and somebody brings in other Scriptures, don't they?

Mr. Covington: I object to that.

The Court: Sustained.

Q. Those Scriptures that you put in the resolution, were they your Scriptures or somebody else's?

The Court: They are not either one of them. They are Scriptures.

The Witness: They are Scriptures, yes, sir.

Q. Who brought the Scriptures in there and cited them in that resolution? A. Well, as I mentioned before, the one in Jude was offered, brought to the attention of the three of us, by Mr. Riemer—

The Court: And subscribed to by the others?

The Witness: Yes, sir, by the other two.

Q. You didn't bring those that you have here today before the meeting, did you?

Mr. Covington: That is argumentative.

The Court: Objection sustained. The thing speaks for itself.

Mr. Bruchhausen: No further questions.

*Redirect examination by Mr. Covington:*

Q. The loud speaker in the dining room, is that used for any other purpose other than talks by Judge Rutherford? A. Yes.

Q. What purpose, then? A. In the evening at the time of the supper meal, Station WBBR is



on the Air with dinner music, and these loud speakers bring dinner music into the Bethel dining room for the enjoyment of the entire family.

The Court: He meant the amplifier, the one that Judge Rutherford used to talk through.

The Witness: The same system is used for dinner music.

The Court: Was that microphone used for anything except for Mr. Rutherford's talking?

The Witness: No; that was primarily for the head of the table, and it used the same amplifying system as the one used for the dinner music system.

The Court: The radio used the amplifying system, not the speakers?

The Witness: Yes, sir, the same amplifying equipment is used for both the microphone amplifying the voice and for the dinner music.

The Court: The microphone was used for the head of the table?

The Witness: That is right.

Q. You stated that this applied to Mr. Moyle and his wife. Did you have any conversation with Peter Moyle as to what course would be taken that day? A. Yes, sir.

Q. August 8th? A. Yes, sir.

Q. Tell us that, please. A. I went to Peter Moyle's room—

The Court: Just the conversation.



A. —and asked him if he was leaving, stating the order did not apply to him, and asking if he was leaving also, and he said yes, he was leaving, he was going to get married anyway.

Q. And at Kingdom Farm were there other houses outside of the main house or the dining room that was occupied by other members of the farm family?

The Court: Up to August 1939?

Mr. Covington: Yes.

The Court: I want to keep the record straight. Apparently some changes have been made.

Mr. Covington: I appreciate your suggestions.

The Court: Up to August 8, 1939. Any questions about buildings or farm consider that date to be the end of your line of thought.

Q. Were other buildings occupied by the brethren living on the farm outside of the main building at that time? A. Yes, sir.

Q. And they had rooms in those buildings, did they not? A. Yes, sir.

Q. But the central dining room at mealtime, they all came from these buildings to the main buildings, is that right? A. That is correct.

Q. You state that you didn't attend a divinity school. Do Jehovah's Witnesses try to follow a prescribed course of study advocated by the Watch Tower Society for education or preparation of the ministry of the Gospel? A. Yes, sir.

Q. Do you know whether or not Christ Jesus



and the Apostles attended divinity school? A. I know.

Q. Did they or not? A. No, sir, they did not.

Q. The third floor, second floor and the first floor and the basement and sub-basement floors, all have outside windows, do they not?

The Court: At Columbia Heights?

Mr. Covington: Columbia Heights.

Q. Have outside windows, do they not? A. Yes, sir.

Q. On those floors, both the old building and the new building are connected together, isn't that right? A. Yes, sir.

Q. But from the fourth floor, fifth, sixth and seventh, it is only the front building, the new building, that goes high, is that correct? A. That is correct.

Q. And there are less rooms on the fourth, fifth, sixth and seventh floors than there are on the third, second, first, basement and sub-basement, is that right? A. That is correct.

Q. Which is the larger building and floor space, the back building, the old building, or the new building in front, if you know? A. The back building, the rear building.

The Court: That has a bigger floor area?

The Witness: Yes, sir.

The Court: On any particular floor or all over?

The Witness: The building itself is deeper than the front building.

The Court: Each floor is bigger than the floor in the new building?

The Witness: Yes, sir.



Q. And it goes, of course, several floors down, through Furman Street, in the rear, as you have testified? A. Yes.

The Court: Yes, he has.

Q. Can you tell us what you meant, and explain further about the Spiritual resurrection of J. F. Rutherford? You don't mean to tell the jury that he has had an actual physical resurrection, do you? A. No, sir, I do not mean to tell the jury that.

Q. Explain to the jury what the Spiritual resurrection means. A. The Bible shows us God's purpose to take out from amongst sinful and fallen men associates with Christ Jesus, spoken of as His Church and that these will be with Christ Jesus in Heaven after taking part in what the Bible calls the First Resurrection, and that the time of the Lord's coming to the Temple in 1918 fixes the time for the Resurrection of the faithful footstep followers of Christ Jesus who died prior to that time. Also the Apostle states, "We shall not all sleep in death but we shall all be changed," and that and other Scriptures show that those who died faithful to Jehovah's God, having been spirit-begotten, and associated with Christ Jesus, and having a right to live in Heaven if faithful, upon their death receive a resurrection, an instantaneous change. That is of course not a resurrection to human organism nor life here upon the earth—

The Court: I think that covers it.

Mr. Covington: All right.

Q. The physical resurrection of faithful servants will take place on the earth after Armaged-



don, will it not, and the Kingdom? A. That is right.

Q. And there are many people that come and go, are there not, being people that come to Bethel for the purpose of receiving special training and then leaving and going away to the field, to the ministry, isn't that right? A. Yes, sir.

Q. You are familiar with the Charter of the New York Corporation providing for the bringing of ministers in to educate them there and send them away? A. Yes, sir.

Q. Is that not the practice of the Watch Tower Bible & Tract Society to call in special ministers for special training? A. It is.

Mr. Covington: I believe that is all.

*Recross examination by Mr. Bruchhausen:*

Q. What is the size of that seventh floor in Bethel? A. The seventh floor—

The Court: 70 by 100, it has been testified to.

The Witness: Not quite. The seventh floor does not occupy the entire width.

The Court: What is your estimate of the size?

The Witness: About 60 by 50.

Mr. Covington: Could we not have a drawing brought in later?

The Court: You don't have to have the drawing. You can tell us and we will take your statement. Have it measured and tell us.

Q. Isn't there a garden also attached to that

floor? A. No, sir, that is no garden. But, as I stated, the seventh floor does not occupy the entire width of the building, so the rest of the roof is there and there is a roof—

The Court: You have some plants or something?

The Witness: Yes, sir, there are hedges stuck in some boxes out on the roof and that is all there is to it.

Q. I show you Plaintiff's Exhibit 9 and ask, does this indicate to your mind that the seventh floor is the same size as the sixth floor in the front. A. This picture would indicate it.

The Court: It isn't so?

The Witness: These are dummy windows on the left just to give it an architectural finish.

The Court: Even though the picture is that way, those are dummy windows?

The Witness: Yes, sir, these are dummy windows here.

Q. You just mentioned a moment ago that the order of ousting did not apply to Peter Moyle, is that correct? A. Yes, sir.

Q. So you tell us that Mr. and Mrs. Moyle were to be ousted and the boy was to be retained, is that it? A. No, I don't say that.

Q. What?

The Court: He had his option?

The Witness: Yes, sir, he had his option.

Q. He wasn't included in the order of dismissal? A. No, sir.

Mr. Bruchhausen: That is all.

(Witness excused.)



THOMAS J. SULLIVAN, residing at 124 Columbia Heights, Brooklyn, New York, a witness called in behalf of the defendants, after being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Sullivan, how long have you been associated with the Watch Tower Bible & Tract Society, please? A. Since 1915.

Q. And how long have you known Joseph F. Rutherford? A. Since 1924.

Q. And how long have you been a member of the Bethel Family? A. Since 1924.

Q. And are you now a member of the Bethel Family? A. Yes, sir.

Q. Have you constantly been a member of the Bethel Family between the two dates that you have mentioned? A. Yes, sir.

Q. What position, if any, do you occupy now at the Watch Tower Bible & Tract Society? A. A Minister of the Gospel.

Q. What special assignment as Minister of the Gospel do you occupy with the Society? A. Superintendent of Evangelists.

Q. Where is your office maintained, please? A. 117 Adams Street, Brooklyn.

Q. And is that the same place where Mr. Moyle had his office? A. Yes, sir.

Q. Do you know the plaintiff, O. R. Moyle? A. Yes, sir.

Q. How long have you known Mr. Moyle? A. From the time he came to Bethel in 1935 until he left.

Q. Do you recall a meeting at 124 Columbia Heights, on August 8, 1939, by the Board of



Directors, on the seventh floor, in the office of J. F. Rutherford? A. Yes, sir.

The Court: You were a director at that time?

The Witness: Yes, sir.

Q. On August 8th? A. Yes, sir.

Q. How did you come to learn of such a meeting? A. Judge Rutherford at breakfast that morning announced the fact that there would be a meeting of the Board of Directors at ten o'clock in his office, of both corporations, and invited us to be present.

Q. And pursuant to that notice you came, and prior to that I will ask you— I withdraw the question.

I show you this letter dated July 21, 1939, signed by Mr. Moyle, addressed to J. F. Rutherford, and ask, when was the first time that you learned the contents of that letter. A. When we assembled at the Board of Directors' that morning.

The Court: Mr. Rutherford had his secretary read it?

The Witness: Yes, sir.

Q. And that was the first time that you ever heard of the contents? A. Yes, sir.

Q. You were one of the committee that was appointed, were you not? A. Yes, sir.

Q. To draw up the resolution? A. Yes, sir.

Q. And can you tell us what you said on the occasion, if you remember, before the resolution?



The Court: In the presence of Mr. Moyle.

Mr. Covington: This is understood.

Q. Mr. Moyle was present the entire time, was he not? A. Yes, sir.

Q. Tell us what you said, if you remember. A. After the letter was read I was impressed by the fact that it covered a period from the time that Mr. Moyle came to Bethel—

The Court: What did you say?

Mr. Bruchhausen: I object to his impressions.

The Court: Yes. Tell us what you said.

The Witness: I made a statement to the effect that this indicates that Mr. Moyle never had an appreciation of the Theocracy and that the letter itself was misrepresentation and falsification of facts, and misrepresented Judge Rutherford, and the Family at Bethel that was the substance of it.

Q. Who suggested that a committee be appointed, if you remember? A. I did.

Q. Did the committee retire and if so where did they retire to and how long were they out, approximately? A. I suggested that we have a committee—

The Court: Did they retire?

The Witness: Yes, sir.

The Court: Were they out 30 minutes?

The Witness: Approximately 30 minutes.



The Court: They retired to another adjoining room and they were there 30 minutes and they brought back the resolution?

The Witness: Yes, sir.

Q. When the resolution was returned what if anything was said by you and what was done after that? A. When we entered the office Judge Rutherford asked us if we had the resolution or had a resolution, and what we had to say regarding the matter. I told him we had prepared the resolution. He asked me to read it and I did, in the presence of O. R. Moyle and the Board of Directors.

Q. When the resolution was read it was adopted unanimously, was it not? A. Yes, sir.

Q. Did you have anything to say after that, Mr. Sullivan? A. Yes. In the discussion of the resolution I verified practically what it said in the resolution.

Q. Did you attend a meeting on September 21, 1939, at which some of the members of the Board of Directors were present? A. Yes, sir.

Q. And do you recall the article entitled "Information," that appeared in the October 15th "Watch Tower," 1939? A. Yes, sir.

Q. Did you sign that article entitled "Information"? A. Yes, sir.

Q. And before signing it did you either read or hear it read? A. I heard it read and read it.

Q. Did it state in that that Moyle had been circulating or caused to be circulated his letter?

Mr. Bruchhausen: I submit the letter speaks for itself, or the article.

Mr. Covington: All right.



The Court: Your objection is good, but won't this shorten it?

Mr. Bruchhausen: All right; I withdraw the objection.

Q. What evidence did you have before you at the time to support that statement?

The Court: If any.

Mr. Covington: Yes, if any.

A. I had received a number of letters at my desk from companies in Wisconsin, enclosing a letter sent out by—

Mr. Bruchhausen: May I interrupt. I object to this and move to strike out the answer on the ground that the letters in evidence speak for themselves.

The Court: You have received many letters.

Q. Were there any of those letters on the desk of J. F. Rutherford at the time the article entitled "Information" was signed? A. Yes, sir.

Q. Who else was present, if you know, at that meeting, outside of the members of the Board of Directors? A. Mr. Howlett is the only one that I recall other than the Board of Directors.

Q. Why was Mr. Howlett present? A. Well, he was present because I believe it was contemplated sending somebody into Wisconsin.

The Court: Strike it out. Do you know why he was present?

Q. Was it the intention of the Society to send Mr. Howlett—

Mr. Bruchhausen: I object.

Mr. Covington: That is probably cumulative.

The Court: Yes, and it is objectionable.

Q. Did you believe the contents of the article entitled "Information" to be true? A. I knew it to be true.

Q. And did you sign that article entitled "Information" with malice? A. No, sir.

Q. Did you sign it for the purpose of advising the brethren as to the course Mr. Moyle had taken? A. Not alone that.

Mr. Bruchhausen: I object to the purpose, if your Honor please. It speaks for itself.

The Court: Yes.

Mr. Covington: This is on the question of privilege.

Q. Did you believe that it was your duty to advise the brethren as to the contents of the article entitled "Information"?

Mr. Bruchhausen: I object.

The Court: I am going to let him answer.

A. Yes, sir.

Q. You believed that was your duty? A. Yes, sir.

Q. Did you honestly believe that Jehovah's Witnesses had the right to receive that article?

Mr. Bruchhausen: I object to that.

The Court: I will sustain the objection.

Mr. Covington: We except.



Q. You did not have anything to do with the publication of the article entitled "Snares", did you? A. No, sir.

The Court: The first time you read it is when you read it in the "Watch Tower", the article "Snares"?

The Witness: Yes, sir.

Q. What is the life or the strength of Jehovah's Witnesses in the earth today? I will withdraw that question and ask you if the loyalty and devotion, full devotion of the Ministers of the Watch Tower Bible & Tract Society is the force of its integrity and strength.

Mr. Bruchhausen: I object to the form of the question.

The Court: Sustained.

Q. Is it the policy of the Watch Tower Bible & Tract Society to insist on 100% devotion to the doctrines and precepts that are to be found in the Bible advocated by Jehovah's Witnesses? A. That is true.

Q. And does the Watch Tower Bible & Tract Society insist or try to insist on the obedience to that policy on the part of all of its Ministers? A. The Watch Tower Bible & Tract Society is never arbitrary about the matter.

Mr. Bruchhausen: I object to that and move to strike out the answer.

The Court: Strike out the answer. It is not responsive. Read the question to the witness.

(The foregoing question was thereupon read by the Court Reporter.)



The Court: Talking about the policy of making them loyal.

A. That is what I tried to answer. They are not arbitrary.

The Court: That is the policy, that they are not arbitrary?

The Witness: Yes, sir.

Q. Is it the aim of the Watch Tower Bible & Tract Society to mark those who cause division and offense? A. Yes, sir.

Q. And is it their aim to expose the sowers of discord amongst the brethren? A. Yes, sir.

Q. For what purpose is that aim attempted by the Society? A. In order to protect the brethren from being ensnared and trapped by deceptive methods and things.

Q. Is the "Watch Tower" magazine the principal or primary channel of communication between the Watch Tower Bible & Tract Society, Jehovah's Witnesses, and people of good will? A. Yes, sir.

Q. During 1939, up to November 15, 1939, was not the "Watch Tower" magazine distributed primarily to Jehovah's Witnesses and people of good will? A. Yes, sir.

Q. When did the "Watch Tower" magazine begin to receive its distribution upon the public streets?

The Court: We have had all that by two witnesses. I will let you do it if you want to. You have a perfect right to do it. I am not admonishing you, but you have had it by two witnesses, and I think the jury knows the date, and I think I do.



Mr. Covington: There is no dispute about that, about the date that the Watch Tower started distribution upon the streets.

Mr. Bruchhausen: I am not conceding it. I don't know. You have some testimony in here and whatever the testimony says will apply.

The Court: Then go right ahead.

Q. One of the plaintiff's exhibits entitled "Informant" is dated January, 1940. Is that the first time that the announcement was made that the "Watch Tower" would be distributed on the streets? A. Yes, sir.

Mr. Bruchhausen: I submit it speaks for itself.

The Court: Yes, that is true.

Q. What interest, if any, did Jehovah's Witnesses have in knowing of the activity or course of action taken by Mr. Moyle, please?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Q. What interest, if any, did the Society have in making known the conduct of Mr. Moyle?

Mr. Bruchhausen: Objected to.

The Court: Sustained.

Mr. Covington: We except.

Q. Does the Watch Tower Bible & Tract Society as a Christian organization claim the right to discipline its members? A. Yes, sir.

Q. And its ministers? A. Yes, sir.

Q. Did Mr. Moyle have the opportunity to



make a statement at the August 8th meeting, before the Board of Directors? A. He was requested to make such a statement, yes, sir.

Q. Did he at that time make known any facts to the Board of Directors other than the contents of his letter? A. No, sir.

Q. Did he state any oral evidence outside of the letter itself? A. No, sir.

Q. You have considered this letter and I will ask you whether or not you believed it to be false.

The Court: That is Plaintiff's Exhibit 4, Moyle's letter to Rutherford.

A. Yes, I do.

Q. You read the charge concerning the ill-treatment of the Bethel Family, did you not? A. Yes, sir.

Q. Did you know that to be true or false? A. False.

Q. Did you read that section of the letter entitled "Discrimination," and did you know that to be true or false? A. False.

Q. Did you read that section on marriage discrimination? Did you know that to be true or false? A. False.

Q. There is a section concerning filthy and vulgar language. Have you ever heard Judge Rutherford or any member of the Bethel Family use filthy and vulgar language at the table? A. Positively no.

Q. What do you have to say then of the paragraph concerning filthy and vulgar language? A. It is false.



Q. The statement is made, a paragraph is devoted to the glorification of liquor or alcohol. What are the facts? First I will ask you if at the table at Bethel alcohol has ever been served. A. Not to my knowledge, and I have been there regularly for many years.

Q. What is the attitude of the Watch Tower Society and the Bethel Home as to the use of alcohol? I can shorten this a good deal. You heard the testimony of Mr. Franz on that subject, did you not? A. Yes, sir.

Q. Do you subscribe to what he said on that subject? A. Wholly.

Q. It has been mentioned by questions that alcohol has been provided for some of the members of the Family on stated occasions when needed for illness purposes. Is that correct? A. Yes, sir.

Q. The matter of the use of alcohol individually as to each individual is for each individual to determine for himself, is it not? A. Yes, sir.

Q. Did you ever hear J. F. Rutherford label total abstainers as prudes at the table? A. No, sir.

Q. Or any other place? A. No, sir.

Q. The statement of fact contained in the article "Information," in addition thereto, comment is made. Was that comment made therein based on your honest belief that they were true? A. Yes, sir.

Q. Was it a fair expression of your belief concerning the conduct of Mr. Moyle? A. Yes, sir.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruckhausen:*

Q. You were in charge of these agents that you sent throughout the country, that were traveling, and the connecting link between the Brooklyn organization and the zones throughout the United States, weren't you? A. Well, if you will define what you mean by agents—I just don't know what you have reference to.

Q. They were Jehovah's Witnesses under your supervision that you sent out through the United States? A. Yes, sir.

Q. And there were some 150 of them at that time, in 1939? A. 150 zone servants.

Q. And they traveled and you paid their expenses for traveling to go out and take care of these various meetings in the sections and help to organize new people in them? A. The Society paid their expenses, yes, sir.

Q. One of the aims was to constantly build up and increase the number of Jehovah's Witnesses and people of good will, wasn't it? A. Not in that particular branch of work.

Q. Wasn't that one of the aims? A. The aim of that branch of work was to aid those already organized.

Q. You had another department to go out and organize new territory?

The Court: Those are the Pioneers?

The Witness: Yes, sir.

Q. How many different departments did you have there in the factory at Adams Street? A. That applied to me particularly?

Q. No, different departments. A. Well, I couldn't say offhand.



The Court: If you don't know tell us.

The Witness: I don't know.

Q. How many people were there in the factory, employed? A. Employed, I would say about 170, or somewhere around that.

Q. And you have executive offices there, do you? A. Yes, sir.

Q. For all these various departments? A. Yes, sir.

Q. And considerable machinery for the printing of these "Watch Tower" magazines and the books, and that sort of thing? A. That is right.

Q. It is a very large building? A. Yes, sir.

Q. And covers quite a plot of ground? A. Yes, sir.

Q. The corner of Adams and York Streets, is it? A. Prospect and Adams.

Q. Doesn't it cover about half a city block there? A. No, about a quarter of a city block, possibly a little more.

Q. You spoke about this meeting of September 21st, and some letters that were before you. A. Yes, sir.

Q. You particularly refer to the letters of Mr. and Mrs. Rouse, don't you? A. Yes, sir.

Q. And they were received in the month of September, or shortly before the meeting of September 21st? A. Well, quite a little while before the meeting.

The Court: How many letters do you say you received?

The Witness: I don't know exactly.

The Court: What did you do with them?



The Witness: I turned them over to the office manager servant who turned them over to Judge Rutherford.

The Court: Did you have one, two, ten, fifty?

The Witness: Up to that time, probably two or three or four

Q. And then they all came in about the month of September? A. Very early part of the month.

Q. And you recall the publication in the "Watch Tower" on September 1st, don't you? A. Yes, sir.

Q. And did you have charge of correspondence with these different companies? Was that one of your activities? A. Yes, sir.

Q. And you were in contact with these representatives, or whatever you call them, going out from your department out West and in the different sections? A. Yes, sir.

Q. And they constantly reported to them? A. Yes, sir.

Q. So you would give them instructions as to what to do, wouldn't you? A. That was covered in the policy of the Society that applied to all of them.

Q. And there were some instructions to gather up any letters that might pertain to this Moyle situation? A. I never issued any such instructions.

Q. These men know about the Moyle situation, didn't they? A. Not to my knowledge.

Q. You mean that you and the directors were the only ones who knew about the Moyle situation up to that time? A. Except what was published in the September 1st "Watch Tower."



Q. Weren't you at the dining room reading on August 8th, when the letter was read to the whole Family? A. Yes, sir.

Q. And some of those at the table had occasion to visit outside, didn't they? A. I presume so.

Q. And some of them may have been visitors from the outside, some of these traveling ministers? A. No, I don't think so.

Q. You don't recall whether or not they were there? A. I am pretty sure they were not.

Q. Didn't you hear testimony here of some ministers, one who came from Georgia, and some others who claim to have sat at the table at Bethel? A. Yes, sir.

Q. They came in, did they not, in order to get some of the news, what was going on?

Mr. Covington: That is argumentative and I will object to it.

The Court: Sustained.

Q. But there were discussions of what was being done at those meals?

Mr. Covington: There again the same objection applies.

The Court: Sustained.

Q. At any rate, what is the name you give to these traveling representatives? A. Zone servants.

Q. And how many zone servants stay at Bethel? A. You mean at the present time?

Q. Make their headquarters in Bethel?

The Court: In 1939, up until August 10th. Please presume that that is the date



that fixes the time of all of these questions.

A. There were two zone servants operating out of Bethel.

Q. What zones did they have charge of? A. In the immediate vicinity of New York.

The Court: New Jersey or Long Island?

The Witness: Yes, Long Island and New York.

Q. So they traveled how often back and forth? A. Week-ends.

Q. What was the zone servant for the Wisconsin Territory? A. Harvey Fink.

Q. Mr. Howlett, the defendant Howlett, occupied what position, in September, 1939? A. He was zone servant.

Q. For what zone? A. Ohio, 2, Cleveland area.

Q. So his territory did not include Wisconsin? A. Not at that time.

Q. He was present at the dining table on August 8th, wasn't he? A. I don't think so.

Q. Well, did you tell him anything about what transpired on August 8th? A. No, sir.

Q. Did you meet him at any time, between August 8th, and the early part of September? A. I may have met him when he returned.

The Court: You do not remember?

The Witness: I do not remember.

Q. Did he have an office in the factory? A. No, he was a zone servant on the road generally up to that time.



Q. He was one of your men in your department? A. Yes, sir.

Q. And it was a matter of frequent occurrence for you to confer with the men and pass on information to them, wasn't it? A. That was my duty.

Q. Do you recall talking to Howlett at any time, between August 8th and this meeting on September 21st? A. I don't recall specifically. I know I talked with him between that time regarding his zone in Ohio.

Q. And arrangements were being made as to what to do about Wisconsin and the territory around there, wasn't there? A. Not in any discussion with Mr. Howlett.

Q. Did you have any discussion—

The Court: Who was the discussion with, Judge Rutherford or Mr. Rutherford?

The Witness: Regarding Wisconsin?

The Court: Yes.

The Witness: Well, I simply sent those letters I received through to the President's office.

The Court: There was no discussion?

The Witness: There was no discussion.

The Court: Do you have any mail system where you keep a record of the mail that you receive?

The Witness: Well, the mail that comes in every day, the total mail that is received.

The Court: So you say, to the best of your recollection you got two or three or four letters?

The Witness: About four, I believe.

The Court: You said two or three or four. I think I am using your exact words. Do you now tell me four?

The Witness: It was more than two. Three or four.

The Court: That is what you call many?

The Witness: Well, this was over a limited period of time.

The Court: That is the time we were talking about. I want to get your adjectives. They are a little confusing to me. Is that what you call many? That is the word you used?

The Witness: Well, yes.

Q. All of those letters you refer to came in between the early part of September and September 21st, the date of your meeting? A. Yes, sir.

Q. So that between August 8th and September 1st nothing happened about the Moyle situation, nothing happened in the month of August?

The Court: That you know of.

A. Not that I know of.

Q. Other than what transpired on August 8th? A. Yes, sir.

Q. So the next thing that occurred is, as far as you know on the Moyle situation, between August 8th and September 1st?

The Court: I don't think that is a question.

Mr. Bruchhausen: I withdraw it.



Q. The next thing that occurred after the meeting on August 8th, was the publication on September 1st of the article charging Moyle with unfaithfulness?

The Court: As far as you know?

The Witness: As far as I know.

Q. Did you talk to anyone prior to the publication of that article? A. I can't answer that.

The Court: Did you personally talk to anybody about Moyle's letter, to Rutherford, between August 8th and September 1st?

The Witness: No, sir.

Q. At the meeting on August 8th, was there anything said about publishing an article charging Mr. Moyle with unfaithfulness? A. There was reference made to acquainting the brethren with the facts. There were no details about charging Mr. Moyle with anything.

Q. Was anything mentioned about what the article was to say that was to be published on September 1st?

Mr. Covington: That speaks for itself, the actual publication itself is self-explanatory.

The Court: I will ask you this. Did the Board of Directors pass on the article of September 1st?

The Witness: September 1st?

The Court: Did the Board of Directors pass on that article before it was printed?

The Witness: No, sir.

The Court: You don't know who drew



it up, or anything? The first time you knew about it is when you read it in the "Watch Tower" of September 1st, is that right?

The Witness: That is right.

Q. Were you in town and residing at Bethel between July 21st and August 8th? A. No, I was on vacation during that period.

Q. And when did you get back? A. Sunday night, August 7th.

Q. Yes.

The Court: Approximately.

The Witness: Yes, sir.

Q. And you were there, were you not, at Bethel, as a resident, from August 8th to September 1st, at least, weren't you?

The Court: When you returned from your vacation you lived there continuously until September 1st, at least?

The Witness: That is correct.

Q. And was Mr. Rutherford there during that period? A. I don't know. He may have went away a week-end. I don't know. He was there a good portion of the time.

Q. You are not very clear about some of the events in the month of August, 1939, are you? A. I don't recollect all the details.

Q. Did Mr. Rutherford say anything to you in your capacity as a director, between August 8th and September 1st?

The Court: He has already testified he didn't talk to anybody about it. Isn't that your testimony?



The Witness: Not in an official way. As members of the Family we discussed what transpired in the dining room, but not in an official capacity.

The Court: As members of the Family who did you discuss it with?

The Witness: I don't know.

The Court: It was talked generally around the place?

The Witness: Yes, sir.

Q. There was nothing, as I understand it, and I am summing this up, that transpired between August 8th and September 1st that in any way bore on the publication of the article of September 1st? A. As far as I was concerned, nothing.

The Court: That is all you can tell, as far as you are concerned?

The Witness: Yes, sir.

Q. Do you know of any occasion, Mr. Sullivan, when anyone else was asked to leave who had been a resident of Bethel?

Mr. Covington: That is argumentative and I believe it is immaterial, your Honor. We can't go into the merits of every case of anybody that went away from Bethel. It would prolong the controversy unduly.

The Court: I will sustain the objection.

Q. Do you know Mr. Wesley Ladwick? A. I recollect that he was at Bethel some years back.

Q. Was he asked to leave?



Mr. Covington: That I think would be objectionable.

The Court: If he knows he can state. If he does not know he can so state.

A. That is my impression. It is not clear in my mind.

Q. Do you recall whether or not he wrote a letter at the time? A. I do not.

Q. Do you recall whether or not he was given less than a day to move out? A. I do not.

Q. You say that this article, "Information," that the facts in it are true? A. Yes, sir.

The Court: You signed it and when you signed it in your judgment it was true?

The Witness: Yes, sir.

Q. And you are personally familiar with all the facts? A. Yes, sir.

Q. You came to the conclusion that Mr. Moyle was a murmurer? A. Yes, sir.

Q. Speaking of you collectively, the Society have used this expression "murmurer" on prior occasions, haven't you? A. It is a Scriptural expression.

The Court: He asked you if the Society has used it on prior occasions to this.

The Witness: Well, in discussing Scriptures and things of that nature.

Q. Isn't that the expression that you use when anyone makes any complaint about the Society? A. No.

Q. Well, is there any difference in your mind



between complaining and murmuring? A. There is, in making false charges.

Q. I am asking you if you make any distinction between the word "murmurer" and "complaint" A. Yes, there is.

Q. Will you tell us what the distinction is. A. Well, a complaint might be justified. A murmur, according to the Scriptures is one who is dissatisfied with a righteous arrangement.

The Court: In other words, a murmur is a false charge and a complaint might be a true charge?

The Witness: Yes, sir.

Q. You take the position that in writing this letter he became a murmurer at that moment? A. That is true.

Q. Just by writing the letter? A. By writing that letter and making false charges.

The Court: By writing that letter?

The Witness: Yes, sir.

Q. That kind of a letter? A. Yes, sir.

Q. That was full of murmurs? A. That particular letter.

Q. That was all full of murmurs? A. That was full of lies and slanders and misrepresentations.

Q. Was it all one murmur or a number of different murmurs?

The Court: I'm going to sustain an objection.

Q. You were present in Madison Square Garden or in the courtroom after Madison Square Garden, were you? A. In one case, yes.

Q. Were you present there when this occasion arose where it is alleged that Mr. Moyle touched the other lawyer? A. No.

Q. So anything that you know about that occasion is from what somebody else told you, isn't it? A. Yes, sir.

Q. So there are some of these things involved in your article, "Information," that are not of your knowledge?

Mr. Covington: Just a minute. Nothing is mentioned in the article, "Information" about the trial or the court proceeding. It is the "Snares" article.

The Court: Objection sustained.

Mr. Bruchhausen: Then I will withdraw that.

The Court: I wonder if you asked him, I don't think you asked him about "Snares."

Mr. Covington: I asked him if he had anything to do with it.

The Court: Are you sure of that?

Mr. Covington: Well, I feel that way.

The Court: Perhaps you had better later ask him, to make certain.

Mr. Covington: I will do that.

Q. You recall the article, "Information, don't you? A. Yes, sir.

Q. Do you recall a statement made in there referring to Mr. Moyle to the effect that he caused his letter to be publicly read? A. Yes, sir.

Q. Were you present when he publicly read it? A. No.

Q. So that you can't say of your own knowledge that it was publicly read by Mr. Moyle, can you? A. The only fact I have is that it was his letter, that it had been distributed, and in the covering letter, those who received it were instructed to read it to their congregation—

The Court: Those three or four that you testified having received it through the mail after September 1st?

The Witness: Yes, sir.

Q. You don't know of your own knowledge as to whether or not it was publicly read up to that time, September 21st? A. I had the testimony of these people who—

The Court: He asked you if you know of your own knowledge.

The Witness: That is the only knowledge I have.

The Court: That is not of your own knowledge. You know from what you heard from other people, is that right?

The Witness: Yes, sir.

Q. Then is your testimony or part of it here where you say it is of your own knowledge based on what other people told you or what other people wrote to you about it? A. I have indicated at the present time what I myself had to do with and what I knew.

Q. Do you say that when you get information that way that it is on your own knowledge? A. I said that I had this information from the parties who claim to have done it.

Q. I am asking you whether when you got that that way it is on your own knowledge. A. I made that statement just now. I may have been in error in that conclusion.

Q. Do you now want to correct your statement and say you were mistaken when you said these things were on your own knowledge? A. That one thing.

The Court: As to the publication?

The Witness: As to the public reading of it.

Q. Let me call your attention to another one in "Information." "He," meaning Mr. Moyle, "requested 'Consolation' to publish this letter." Where did you get your evidence that Mr. Moyle ever requested "Consolation" be published? A. From the fact that it was in that article at the time. I have no personal knowledge that he did that.

Q. So that is another item that is not on your personal knowledge? A. Not on my personal knowledge, no.

Q. You read this article, "Snares," did you not? A. Yes, sir.

The Court: May I ask him a couple of questions to satisfy my own mind?

Mr. Bruchhausen: Yes.

By the Court:

Q. In this article, "Snares," were you asked whether or not you had anything to do with the preparation of it? A. Yes, sir.

Q. Just to make certain for the record, you had nothing to do with the preparation. The first time you read it is when it appeared in the "Watch Tower" of November 15th? A. Yes, sir.



By Mr. Bruchhausen:

Q. Sometime after August 8, 1939, do you recall a letter or notice that went out from the organization asking the zone servants and representatives to send in anything they had on the Moyle matter?

Mr. Covington: That is repeating another question that was objected to before.

The Court: Objection sustained.

Q. You read "Snares," did you not? A. Yes, sir.

Q. And you subscribed to that? A. Yes, sir.

Q. You say that the statements made in there are on your own knowledge?

Mr. Covington: That is argumentative.

The Court: Objection sustained. He had nothing to do with the preparation of that article.

Q. But you accepted the statements in there without any investigation, is that right? A. They were entirely Scriptural, based on Scriptures.

The Court: You accepted them without making any independent investigation after you read the article "Snares"?

The Witness: Well, I investigated as far as they were Scriptural.

The Court: The only investigation you made is to find out whether they were in the Scriptures?

The Witness: Yes, sir.

The Court: Otherwise you made no investigation as to facts?



The Witness: There was no individual named in the article.

The Court: You knew who it referred to?

The Witness: Not necessarily. It wasn't limited to anyone.

Q. Was there anybody else that you could think of that "Snares" referred to other than Mr. Moyle? A. Oh, yes. Of course, the article covered a great many illustrations.

The Court: That portion of the article that referred to what you are going to hear now.

Q. Let me ask you this. This may refresh your recollection in "Snares": "One who fails or refuses to look well to and defend the interests of a Christian and does so in order that he might appear as a good fellow in the eyes of other men is therefore the enemy of Christ." Did you have any doubt in your mind as to who that referred to? A. It could refer to two at least that I know of.

The Court: Who are they?

The Witness: Our attorney at Magdeburg, Germany, during the time that the Nazis went there.

The Court: What is his name?

The Witness: I don't recall his name. But at the time—

The Court: You were only asked their names. And the other one?

The Witness: It could apply to Mr. Moyle.



Q. What was the year that this German episode occurred? A. In the early thirties. I don't know just what year it took place actually.

The Court: You mean the early thirties, so they might wait nine years to put it into the "Watch Tower"?

The Witness: As an illustration.

A. I would like to say that I don't think the "Watch Tower" is written regarding any individual, that the article, "Snares"—

The Court: You will please make no statement, and just answer questions.

Q. Let me ask you this: Referring further to "Snares,"—"If a man claims to be consecrated to God and is a lawyer and appears in court as counsel for another consecrated person and then conducts himself in the case on trial in such a manner that he might receive the approval of other men in the court such lawyer is a man-pleaser." A. As an abstract fact, that is true.

Q. This article "Snares" did not appear until months after the "Information" articles where you sat before the Board of Directors.

Mr. Covington: He says months. It is the next month.

The Court: Amend the question.

Mr. Bruchhausen: I am talking about the date of its appearance, on November 15, 1939.

The Court: September 21st is the date that the "Information" article appears.

Mr. Covington: It is the date of the

signing, and October is the date of publication.

The Court: Suppose you reframe your question.

Mr. Bruchhausen: I will withdraw it.

Q. Prior to November 15, 1939, had you heard about the article, "Snares"? A. No.

Q. And it first came to your attention when you read it in the magazine? A. Yes, sir.

Q. Prior to November 15, 1939, did you hear anything about a trial in the Magistrates Court? A. Will you specify just what you mean?

The Court: Regarding the Madison Square Garden incident.

The Witness: Yes, sir.

The Court: As a matter of fact, you were a witness or were you there on one occasion? You so stated here.

The Witness: I was in the police court when the—

The Court: You were there on one occasion?

The Witness: Yes, sir.

The Court: You so stated.

Q. You mean you didn't know that Mr. Moyle was an attorney in that Court and on that case? A. May I ask the Judge a question. I am supposed to say what I actually know.

The Court: That is all you are supposed to say.

The Witness: I didn't know.



Q. You were a member of the Board of Directors in the month of June? And July, 1939? A. Yes.

The Court: He says he didn't know whether Moyle was the lawyer or not.

The Witness: I didn't know— I know he was in the courtroom.

The Court: You know he was there but you don't know whether he was representing the defendant?

The Witness: I didn't.

Q. Did you know that Mr. Moyle was the lawyer for the Society? A. Yes, sir.

Q. And you knew that he supervised all the cases that the Society was interested in? A. I didn't know that.

Q. Didn't you discuss these matters before the Board of Directors? A. Mr. Moyle was asked before the Board of Directors regarding that particular case, why he was so intimate with Mr. McDonald, and he offered no objection and didn't deny it.

Q. So you knew that on August 8, 1939, that he was asked that question? A. Yes.

Q. And it was about Mr. Moyle being in the Magistrates Court? A. Yes, sir.

Q. So then when you read this article "Snares" on November 15, 1939, "If a man claims to be consecrated to God and is a lawyer and appears in court as counsel for another consecrated person and then conducts himself in the case on trial in such a manner that he might receive the approval of other men in the court such lawyer is a man-pleaser," did you



then have any doubt that it was Mr. Moyle and it referred to the Magistrates Court proceeding? A. I understood that it could apply to him.

The Court: Could it apply to anybody else?

The Witness: I don't know.

Q. Had anything occurred between August 8, 1939, and the time that you read this article about any difficulty with the lawyer in court other than Mr. Moyle in the Magistrates Court? A. Had anything occurred?

The Court: Any matter been brought to the attention of the Board of Directors?

The Witness: No.

The Court: This was the only matter?

The Witness: Yes, sir.

The Court: Yet you don't know whether or not this referred to Mr. Moyle?

The Witness: I said that I believed he could be included in that.

The Court: Anybody else be included?

The Witness: The attorney at Magdeburg, yes, sir.

The Court: Same thing as this?

The Witness: To a great extent.

The Court: About being a man-pleaser?

The Witness: Yes, sir.

*Redirect examination by Mr. Covington:*

Q. The term, "evil servant" and "Judas" is



used in the article entitled "Information;" can you tell the jury how Mr. Moyle acted the part of a Judas? A. The article pointed out that Judas betrayed the Lord. He was in confidential relationship with Him. He betrayed the Lord and was instrumental in causing His enemies to ultimately take advantage of Him. In a similar manner Mr. Moyle apparently serving in a confidential relationship with the Society as the attorney relinquished that, left the entire matter without proper consideration, and tending to move away, and removing himself from that position, and provided false statements regarding events that took place at Bethel, and regarding the President of the Watch Tower Bible & Tract Society, and made them available to other persons that they in turn might use them as they saw fit against the organization. There was a similarity between the course of Judas and that of Mr. Moyle.

The Court: As far as you know every one that got a copy of this letter was a member of Jehovah's Witnesses?

The Witness: So far as I know, yes.

The Court: And your article of September 1st was issued, as you say, to Jehovah's Witnesses, and people of good will, principally?

The Witness: Yes, sir.

Mr. Covington: That is all.

*Recross examination by Mr. Bruchhausen:*

Q. You say that the writing of this letter constituted in your mind Mr. Moyle a Judas?



The Court: The letter of July 21st to Rutherford.

A. No, sir.

Q. Do you mean to tell this Court and jury that by writing as he did a private letter and having it delivered to Mr. Rutherford that that made him a Judas in your opinion? A. No, sir.

Q. Well, at what moment in your mind did he begin to become a Judas? A. At no time.

The Court: You mean he was one all the time?

The Witness: No. I simply state that there was similarity between the course—

The Court: You don't say he is a Judas. You say there is a similarity between his course of action and the actions of Judas as described in the Scriptures?

The Witness: Yes, sir.

Q. Don't you call him a Judas? A. No, sir.

Q. You say you don't call him a Judas? A. No, sir.

Q. Do you recall your article, "Information"? A. Yes, sir.

Q. And you recall this: "For four years Moyle was entrusted with the confidential matters of the Society and then without excuse he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord." Do you want us to believe that that does not charge Mr. Moyle with being a Judas? A. That says



that there was a similarity between the course Judas followed and that followed by Mr. Moyle.

Q. And do you want us to believe that it is not a charge of being a Judas against Mr. Moyle?

Mr. Covington: This is getting into the realm of argument.

The Court: I think so. Objection sustained.

Q. You say that he was not a Judas at the time that he delivered this letter privately to Mr. Rutherford?

The Court: He says he was not a Judas at any time. He said his actions were similar to those ascribed by the Scriptures to Judas. Is that correct?

The Witness: Yes, sir.

Q. At the time the letter was delivered privately to Mr. Rutherford at that moment was he in a similar relationship as Judas was?

Mr. Covington: This is repetitious and argumentative.

The Court: Objection sustained.

Q. Well, at what point in your mind did this become the kind of a situation that you referred to in "Information"?

Mr. Covington: I think this is the same proposition.

The Court: I think we have been all over this. Sustained. We will now take an adjournment. Please do not discuss the case.

(Whereupon, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION. 3 P. M.

TRIAL RESUMED.

Mr. Covington: Mr. Wise.

CHARLES A. WISE, residing at 124 Columbia Heights, Brooklyn, New York, called as a witness on behalf of the Defendants, having been first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are one of Jehovah's Witnesses, are you not? A. I am; yes, sir.

Q. How long have you been an ordained minister of the Watch Tower Bible and Tract Society? A. Fifty-two years.

Q. What connection, if any, have you had with the Watch Tower Bible and Tract Society? A. I am a minister.

Q. You are a member of the Bethel Family, are you not? A. Yes, sir.

Q. You also have been living there? A. Yes.

Q. How long? A. Since 1919.

Q. Do you know, or did you know, during his lifetime, Joseph F. Rutherford? A. Yes.

Q. When did you first become acquainted with Joseph F. Rutherford? A. 1911.

Q. And where was that, please? A. At 124 Columbia Heights.

Q. Do you know the plaintiff, Olin R. Moyle? A. Yes, sir.

Q. How long have you known him? A. During the four years that he resided there.

Q. Mr. Moyle was at Bethel from 1935 to 1939; is that correct? A. Yes, sir.



Q. During the years that you have been acquainted with Judge Rutherford, did you have an opportunity to observe his character and demeanor towards the brethren in Bethel? A. Yes, sir.

Q. Have you ever seen him, during this time, preside at the Bethel table? A. Yes, sir.

Q. And during these years have you had an opportunity to deal with Judge Rutherford personally? A. Many times.

Q. With matters that had been entrusted to you? A. Yes, sir.

Q. And in which both of you had a mutual interest? A. Yes, sir.

Q. Would you please tell the jury whether or not you had ever heard Judge Rutherford severely lambast and criticise and trim any member of the Bethel family? A. No, sir.

Q. Have you seen him take the attitude of a boss? A. No, sir.

Q. During the time that you have been a member of the Bethel family, have you noticed discrimination between Judge Rutherford and his brethren? A. No, sir.

Q. Did you read the paragraph of this letter of Mr. Olin R. Moyle addressed to Judge Rutherford, relating to the subject matter of marriage? A. Yes, sir.

Q. On the question of discrimination of marriage? A. Yes, sir.

Q. You are married, aren't you? A. Yes, sir.

Q. You were a member of the Bethel family when you got married, weren't you? A. Yes, sir.

Q. Did Judge Rutherford permit you to bring



your wife in under the rules of the house? A. He asked me to bring her there.

Q. During the time that you have been in Bethel and have eaten at the table, have you ever heard any filthy and vulgar talk used at the table? A. Never.

Q. Smutty stories passed around? A. No, sir.

Q. Is it a fact that liquor is glorified, and the use of it is glorified, at the table? A. No, sir.

Q. When did you first see this letter of Olin R. Moyle dated July 21, 1939? A. At the meeting of the Board of Directors.

The Court: On August 8th?

The Witness: August 8th.

The Court: You didn't see it; it was read to you there?

The Witness: Yes. It was read to me there.

Q. You heard it read to you; is that right? A. Yes.

Q. When you heard that letter read, what was your reaction and conclusion as to the contents thereof? A. The contents were untrue, false.

Q. Do you tell the jury that every paragraph, outside of the first paragraph, is false and untrue? A. Yes, sir.

Q. You attended the meeting. Can you tell us what, if anything, you said on that occasion? A. I made a statement after the resolution was brought there.

Q. It was during that process, either before or after? You don't have to be exact.

Mr. Bruchhausen: He just said after.



I think the witness should be permitted to testify.

The Court: Was Moyle there?

The Witness: Yes, sir.

Q. Regardless of the time, what was it that you said, if you remember? A. That I agreed heartily to the resolution as it had been read.

Q. Before that, and during the time that Mr. Moyle was there, did you make any comments with reference to the truthfulness of the statements contained in the letter?

The Court: He is talking about Moyle's letter.

Q. Moyle's letter.

The Court: He is talking about Moyle's letter to Rutherford.

Q. Did you make the statement, with the others, that the contents were false? A. We all did that.

Q. All right. You voted for the resolution; is that right? A. Yes.

Q. And indicated your approval? A. Yes, sir.

Q. You heard the remarks made by Judge Rutherford, did you not? A. Yes, sir.

Q. You heard the remarks made by Mr. Heath, did you not? A. Yes.

Q. You heard the remarks made by Mr. Heath on that occasion? A. Yes, sir.

Q. Was Mr. Moyle there? A. Yes, sir.

Q. After August 8, 1939, did you have occasion to sign an article entitled "Information"? A. After the Article was—



The Court: On September 21st, was that?

The Witness: No, sir.

Q. Well, now, did you attend the meeting of September 21st? A. No, sir.

Q. When and where was it, with reference to that meeting, that you signed the article entitled "Information"? A. I think it was about one or two days after the meeting.

By the Court:

Q. You didn't attend the meeting? A. No.

Q. Who showed it to you? A. Judge Rutherford showed it to me.

Q. He showed it to you and you signed it? A. I read it over and then signed it.

By Mr. Covington:

Q. Upon reading the article entitled "Information"—was that in Judge Rutherford's office? A. Yes, sir.

Q. Did you believe the contents of the article "Information" to be true? A. I certainly did.

Q. Did you believe the contents contained there to express your honest belief with reference to the conduct of Mr. Olin R. Moyle? A. Yes, sir.

Q. Did you sign that with malice in your heart towards Mr. Moyle? A. No, sir.

The Court: Malice anywhere else?

The Witness: No, sir.

Q. Did you have any ill-will in your heart against Mr. Moyle, or in your mind? A. No, sir.

Q. Did you sign it for the purpose of advising



your brethren as to what you knew concerning the thing? A. I realized my responsibility.

Q. And responsibility in what regard? A. As a member of the Board of Directors.

Q. You knew that Mr. Moyle was widely known, did you not, amongst Jehovah's Witnesses? A. Yes, sir.

Q. Now, Mr. Wise, have you ever been in Kingdom Farm? A. Yes, sir.

Q. Do you recall what year, approximately? A. The summer of 1936 and the summer of 1937.

Q. Were you familiar with the Farm properties shortly after they were acquired? A. Yes, sir.

Q. For what purpose were you at the Kingdom Farm? A. To do repair work that was necessary and construct a community house.

Q. A community house for what purpose? A. For the purpose of housing the workers on the farm.

Q. At that time there were some farm houses there, were there not? A. There were four or five.

Q. Four or five at that time? A. Yes, sir.

Q. Before the community house was constructed, were there any of the brethren residing on the farm? A. Yes, sir.

Q. And where were they residing? A. In these five—

The Court: Four or five houses?

Q. Four or five farm houses? A. Yes, sir.

Q. What sort of a building was this community house that you have mentioned? A. Well, it is a building for general purposes; a large dining

room and office and bedroom and kitchen on the first floor.

Q. And on the second floor? A. On the second floor there are several bedrooms.

Q. And did that building house the entire farm family or only a portion of it? A. About fourteen.

The Court: A portion, was that?

The Witness: A portion.

Q. Just a portion? A. Yes, sir.

Q. And those that did not reside there continued to reside in the other farm houses? A. Yes.

Q. What sort of heating equipment was there in the central farm house or community house? A. Hot water heating; steam heating.

Q. Steam? A. Steam heating.

Q. The furnace was situated in the basement? A. Yes.

The Court: A central heating system that radiated throughout?

The Witness: Yes, sir.

Q. Did it go throughout the house? A. Yes.

Q. Was each room equipped with either stoves or radiators? I will ask you this question: Have you been there in winter time during any of those years? A. Not in what we consider winter. I have been there in very cold weather.

Q. Have you been there when it was necessary to have heat? A. Yes, sir.

Q. Have you been in the rooms of the central house that you have referred to at times when it was necessary to have heat? A. Yes, sir.



Q. Were the rooms cold? A. No, sir.

Q. Were the rooms heated? A. Part of them had radiators in.

Q. And those that didn't have radiators in, did they have stoves? A. Not there, no.

Q. Not there? A. No, sir.

The Court: Where did they get their heat?

A. A hall running through the center of the building. And there were large radiators in there, sort of a sitting room.

The Court: You left the door open?

The Witness: Yes.

Q. And there were no individual stoves in the room; is that right? A. Not upstairs.

Q. Not upstairs? A. No.

Q. How many radiators were there in the hall? A. If I recall right, four.

Q. And did that furnish adequate heating facilities to heat the upstairs?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Q. Have you been in the rooms there during winter time?

Mr. Bruchhausen: He has already testified that he hasn't.

Q. Based on your experience, did you find the rooms upstairs there to be cold? A. I did not.

The Court: You have been in some of the rooms that had no radiator there?

The Witness: Yes, sir, I slept in them.



Q. Did you find the rooms to be cold? A. No, sir.

Q. You are familiar with the house that J. F. Rutherford had, were you not? A. Yes, sir.

Q. Now, what house was that; was it his house or did others reside in it? A. Others resided there.

Q. Did you ever reside in it? A. Yes, sir.

Q. Please tell us what sort of equipment was in that house? There was a furnace in that house.

Q. Did it have radiators in it? A. Yes.

By the Court:

Q. A central heating plant, the same, practically the same as the other one? A. Except they burned coal.

Q. Burned coal? A. And the other one burned oil.

Q. The other one was an oil burner? A. Oil furnace.

By Mr. Covington:

Q. Did they have stoves in the rooms or radiators in the rooms of that house; do you recall? A. No radiators in the rooms.

Q. What sort of heating arrangement was there into the rooms? A. Upstairs, you are speaking about; second floor?

Q. Yes. A. There were none, except the radiators in the ceiling.

The Court: The heat that comes up through the floor; is that what you want to tell us?

The Witness: Yes, sir.

Mr. Bruchhausen: Hot air.



Q. That was a hot air heating arrangement then? A. Yes, sir.

Q. And it came in through the vents in the wall; is that right? A. Yes.

Q. What size rooms were there in that house; do you recall? A. Average bedroom.

Q. Did they have the same sort of equipment as the rooms at the central farm house; beds? Was the ordinary, usual equipment in all the rooms in the various houses on the farm? A. Well, if there were two occupying the rooms, there were two single beds; husband and wife.

Mr. Bruchhausen: Which house is the witness talking about?

The Court: Which house are you talking about?

The Witness: I am talking about all the buildings.

The Court: They are all the same.

Q. Did other people live in the house in which Judge Rutherford had a room located? A. Yes, sir.

The Court: He has already testified to that.

Q. Have you ever yourself lived in any of the houses?

The Court: He has already said he has.

Q. Did you live in the one Judge Rutherford occupied? A. Yes, sir.

The Court: He said so.



Q. Did anyone else occupy the room that Judge Rutherford occupied?

The Court: When he wasn't there?

A. That I don't know.

Q. Did you ever occupy the room of Judge Rutherford? A. Yes, sir.

Q. When was that; what time? A. All the time he was not at the farm.

Q. And as to others that have occupied it, you don't know; is that right? A. No, sir.

Mr. Bruchhausen: He said so.

Mr. Covington: That is right. I think that is all—oh, no, just a moment.

The Court: The "Snares" article.

Mr. Covington: Yes, I am coming to that.

Q. The other houses that were on the farm before the central house was constructed there—what sort of heat did they have in them? A. Excepting the one that was occupied by Judge Rutherford, there were two of them had furnaces.

Q. Two of them had furnaces? A. Yes, sir.

By the Court:

Q. What kind of furnaces? A. We burned coal and wood.

Q. The same as the one that you have described that Judge Rutherford occupied? A. Same.

By Mr. Covington:

Q. Did any of them have stoves in them? A. Yes, sir.



Q. And have you ever visited in any of the farm houses, outside of the one that was occupied by the central family or Judge Rutherford, in winter time?

Mr. Bruchhausen: He has already testified that he didn't.

The Court: He says no.

Q. You never have? A. No.

Mr. Covington: That is all.

The Court: The "Snares" article.

Q. About the "Snares" article. Did you have anything to do with the writing? A. No, sir.

By the Court:

Q. The first time you saw it was when it appeared in the Watch Tower, when you read the Watch Tower? A. Yes, sir.

Mr. Covington: That is all.

*Cross examination by Mr. Bruchhausen:*

Q. You are one of the defendants in this action, aren't you? A. Yes, sir.

Q. And you have been a vice-president? A. Yes, sir.

Q. Of which corporation? A. Of the Pennsylvania corporation.

Q. For how long? A. Over twenty-one years.

Q. When did you cease to be a vice-president?

By the Court:

Q. Are you still one? A. No.

Q. When did you stop? A. I am trying to think.

Q. Your best recollection. A. I think about two or two and a half years ago.

By Mr. Bruchhausen:

Q. So you were a vice-president of that corporation during 1935 to 1939? A. Yes, sir.

Q. And is that the time you now testify to, about visiting the farm? A. Yes, sir.

Q. You were also a director during those years? A. Yes, sir.

Q. This community house was erected in what year, this community house that you referred to? A. I think in 1936, if I am not mistaken.

Q. And, prior to that time, there were how many houses? A. Four farms,—six farm houses.

Q. Were they all the same? A. No, sir.

Q. They varied in size and types, built at different times, some older than others? A. Yes, sir.

Q. And the rooms varied in size? A. Naturally.

Q. Different heating equipment, if any, in one as against the other? A. Yes.

Q. Do you know when the house that Mr. Rutherford occupied was built? A. No, sir.

Q. How large were the rooms in that house? A. If I am not mistaken, the bedroom upstairs—there were two and they were about 14, probably 15 feet square.

Q. And do you recall how many bedrooms on the second floor? A. Two.

Q. And how large were the bedrooms in the other houses, other than the community house? A. You mean down on the first floor?



Q. The other houses. There were three or four other houses? A. They run about the same.

Q. Some of them smaller? A. There might be a few.

Q. And this heating plant in that house of Mr. Rutherford was, you say, a furnace? A. Yes, sir.

Q. Was that a hot air furnace? A. Yes, sir.

Q. With heaters in all the rooms? A. Not downstairs.

Q. Outlets in the rooms? A. Yes.

Q. Outlets upstairs also? A. No. I said there were ventilators that brought the heat there.

Q. So the heat could go throughout the house? A. Yes.

Q. What time of year did you get up there or were you there from 1935 to 1939? A. The first of April until the first of October.

Q. So you weren't up there between October and April of any of those years? A. Not of those years, no.

Q. Do you recall being at Bethel in the months of July and August, 1939? A. I take it for granted I was there.

Q. Do you recall whether Judge Rutherford was there all that time? A. I couldn't say.

Q. Isn't it correct, Mr. Wise, that you stated at one time that you wouldn't continue to live at Bethel if you had some other place to go? A. No, sir. I didn't say anything like that.

Q. You got to Bethel in what year? A. 1919.

Q. Had you visited Bethel during 1917 and 1918? A. 1918 I did.

Q. When, in 1918? You say you got there what year?



The Court: He said he had visited there in 1918.

By the Court:

Q. Isn't that right? You said you did visit Bethel in 1918? A. I am mistaken as to that date. It was 1916.

The Court: 1916, he went there.

By Mr. Bruchhausen:

Q. That you visited Bethel? A. Yes.

Q. And you went to Bethel for your permanent home in what year? A. Pardon?

Q. What year did you take up permanent residence in Bethel? A. 1919.

Q. Did you visit Bethel frequently between 1916 and 1918? A. Several times; yes, sir.

Q. Particularly, did you go there in the year 1918? A. Very little during the summer of 1918.

The Court: Did you go there at all?
The Witness: I was there in the Spring.
The Court: Of 1918?
The Witness: Yes.

Q. And was that after Mr. Rutherford had assumed office as president? A. Yes, sir.

Q. Did you know Mr. Hoskins and the three other directors who left in that year? A. I knew them.

Q. Do you know the circumstances of their leaving? A. Just what I was told.

Q. They were, were they not, residents of Bethel up to that time, up to 1918? A. I presume so.



Q. During the summer of 1918 they no longer remained there? A. I couldn't tell.

The Court: They weren't there when you got there in 1919?
The Witness: No.

Q. Did you know a man by the name of F. G. Mason? A. Not very well.

Q. Did you know what position he occupied? A. No, sir.

Q. Do you know whether he was auditor? A. I don't know.

Q. Did you ever see a letter that he wrote in August, 1917? A. No, sir.

Q. Have you ever seen these magazines or papers entitled "Light after Darkness"?

Mr. Covington: I don't see the materiality of that.
The Court: So far I don't know, but I am going to permit it.
Mr. Bruchhausen: I am not going very far on this.

Q. Have you ever seen them? A. I don't remember.

Q. Were you a shareholder during those years, 1917 to 1918? A. Yes, sir.

Q. What was your occupation before you took up residence in Bethel? A. In my early life I was a contractor in building; and later on I spent half my time in the interests of this work, traveling throughout various parts of the country.

Q. Did you do work for the Watch Tower? A. Yes, sir.



Q. That is, building work? A. Yes, sir.

Q. In different parts of the country? A. Yes, sir.

Q. And you were paid your traveling expenses? A. Yes, sir.

Q. Were you on any compensation? A. Yes, sir.

Q. Ten dollars a month? A. Yes, sir.

Q. Do you visit and have you visited Staten Island? A. Yes, sir.

Q. Stayed there over the week-ends? A. Many times.

Q. You knew that Mr. Rutherford spent week-ends there? A. Yes.

Q. Very common for him to leave Bethel on a Thursday and stay over the week-end at Staten Island? A. Yes.

Q. There weren't very many from Bethel that did visit Staten Island that way, were there? A. At different times there were quite a good many.

Q. Were there any others other than the officers or directors who went over there? A. Yes. During the construction work I had as many as 50 and 75 for a week-end.

Q. Were there any of the members of Bethel who went over there for week-ends? A. Yes, sir.

Q. Who were they? A. Members of the Family.

Q. Can you name any one who went over there for a week-end? A. No.

Q. You sat in on this meeting of August 8th, did you not; you recall that, August 8, 1939? A. Yes.



Q. This directors' meeting? A. Yes.

Q. By the way, how long before that had you attended a directors' meeting? A. How long before that?

Q. Before August 8, 1939? A. I have been attending directors' meetings since 1919.

Q. And how long before August 8th had you attended a meeting? A. I couldn't recall.

Q. And did you say whether or not you recall Mr. Rutherford being in town in July and August, 1939?

The Court: He has already said that he didn't remember.
Mr. Bruchhausen: I didn't recall that.
The Court: Isn't that so, Mr. Wise? You said you didn't remember?
The Witness: That is right.

Q. Was there some mention—and correct me if I am mistaken on this—at that meeting of August 8th, prior to going down to the dining room, about Mr. Rutherford reading the letter to the members of the Family? A. I don't recall that.

Q. Well, did you know, before going to the meeting on the morning of August 8th, what it was about? A. No, sir.

Q. Mr. Rutherford had not told you what it was about? A. No, sir.

Q. So you learned for the first time, when you got to the meeting, what it was about? A. Yes, sir.

Q. And when did you first learn on that day that that letter was to be read to the Bethel

family? A. When I went down to the dining room.

By the Court:

Q. There was no talk about that at the directors' meeting? A. Not that I recall.

Q. Not that you heard? A. Not that I heard.

By Mr. Bruchhausen:

Q. Mr. Wise, would this refresh your recollection: That just before going down to the dining room a suggestion was made about reading the letter and you stated that it would be better not to read it because the members might write to other people? A. I did not.

Q. Do you recall everything that was said at that meeting? A. No, sir.

The Court: You say definitely you didn't say that, though?

The Witness: I am most positive of that.

Q. There was a great deal of conversation there during the course of two hours? A. Yes.

Q. And you don't recall, after the lapse of three or four years, everything that was done and said at that meeting? A. No, sir.

Q. And then, afterwards, the next thing that happened that you knew about in connection with this matter was the meeting of September 21—or it was brought to your attention; you didn't attend the meeting of September 21st? A. I didn't attend the meeting.

By the Court:

Q. The next thing you knew after August



1st, after the letter was read at luncheon or dinner, as you call it, was when Mr. Rutherford showed you the article "Information" in his office? A. Yes.

Q. Is that the next thing you knew? A. The next thing I knew.

By Mr. Bruchhausen:

Q. Who brought the article "Information" to you?

The Court: He said Mr. Rutherford showed it to him in his office. Is that correct?

The Witness: Yes, sir.

Q. Do you recall the contents of it? A. Quite well, I think.

Q. When did you last see the article, Mr. Wise? A. I think probably a couple of days ago.

Q. And where? A. In my own room.

Q. Who gave it to you? A. I have it in my pocket.

Q. Where was it, in a magazine or something? A. Yes, sir.

Q. You are sure you hadn't seen it before that, since the 1939 meeting?

The Court: He didn't say that he hadn't seen it.

Mr. Bruchhausen: Or hadn't read it.

The Court: You haven't asked him that. He said the last time he read it was a couple of days ago.

By the Court:

Q. Have you read it since September of 1939



when it was shown to you by Mr. Rutherford? Have you read it several times since? A. I have read it three or four times, yes.

By Mr. Bruchhausen:

Q. During the course of the preparation for trial of this case? A. And even before.

Q. Was anybody present with you while you discussed the article? A. Judge Rutherford, you mean?

Q. I mean, when you read over this article recently?

The Court: A couple of days ago.

A. My wife might have been in the room, I don't know.

Q. Did you ever talk to Mr. Covington about it? A. About the article?

Q. Yes. A. Not especially, no.

Q. Well, you talked to him, did you not? A. Yes, sir.

Q. And did you have a conference with some of the other directors and Mr. Covington? A. I talked with Mr. Covington.

Q. Alone? A. Yes, sir.

Q. And all of the directors, defendants, live right in Bethel, do they not? A. Yes, sir.

Q. Will you say that at no time during the last two or three months have you gathered together with anybody among those directors and discussed the testimony in this case? A. We have not.

Q. Have you talked to any of the other directors about it? A. Naturally I would, but very little, though.



Q. Have you discussed the testimony that might be asked of you in this case? A. No, sir.

Q. Not a thing? A. Not with the other directors, no, sir.

The Court: With whom? Let us have it.

A. I talked with the attorney, Mr. Covington, naturally.

Q. But not in the presence of the other directors? A. No.

Q. You recall this article "Information," about calling or designating Mr. Moyle as a murmurer; do you recall that? A. Yes, sir.

Q. That expression has been used by Mr. Rutherford before, hasn't it? A. I presume so.

Q. Haven't you seen it in the Watch Tower? A. I would think so, yes.

Q. And that is an expression that appears now and then in the Watch Tower in commenting on activities of other people, doesn't it? A. I don't know as it is in commenting on other people. It is presented there with a view of making a point.

Q. Isn't that an expression that is used and has been used by the Watch Tower and Mr. Rutherford in referring to those who are not in agreement with the Watch Tower policies? A. Not necessarily so, no.

Q. Is a murmurer one who makes any complaint directly; is that a murmurer, a man who makes complaints directly to the Watch Tower?

The Court: Why don't you ask him what he believes a murmurer is.

Mr. Bruchhausen: I withdraw the question.



Q. What is your conception of a murmurer? A. A murmurer is one who assumes a position that he should not do and then tries to correct or present—

Q. Who in the Watch Tower determines whether the position assumed is one that is proper or improper? A. Who in the Watch Tower?

Q. Who in the Watch Tower had that responsibility of determining whether or not it was proper or improper? A. I presume the one who wrote the article.

Q. You mean Mr. Rutherford? A. Yes, sir.

Mr. Covington: What article are you referring to?

Mr. Bruchhausen: The article "Information."

By the Court:

Q. I think you were clear about that, weren't you? A. Yes, sir.

By Mr. Bruchhausen:

Q. You understand that what I am asking you is who in the Watch Tower organization at that time of 1939 would determine who were murmurers and who were not murmurers? A. I think Mr. Rutherford would do that.

Q. So he would decide that point, would he not? A. Yes, sir.

Q. In other words, he had the full authority to pass on anything along that line? A. I think so.

Q. So that if Mr. Rutherford decided that



someone was a murmurer, that would be enough for you? A. No, sir.

Q. Well, you are in harmony with, or were at that time, with the policies of the Watch Tower; were you not? A. Yes, sir.

Q. And you had not dissented from this article, had you? A. I can't hear you.

Q. You hadn't raised any dissent to this article after it was submitted to you? A. I read it over carefully and agreed to the article.

The Court: When you agreed to it, you signed it?

The Witness: Yes, sir.

Q. You didn't write the article? A. No, sir.

Q. But you subscribed to the position that this was God's Organization on Earth? A. Yes.

Q. And that Mr. Rutherford was the leader or the servant—is that the term that you used—of God's Organization on Earth? A. He was the president of the Watch Tower Bible and Tract Society.

Q. So that when he told you that Mr. Moyle was a murmurer why, you accepted his statement on that, as the representative of God's Organization on Earth? A. I accepted the statement as read there.

Q. But Mr. Rutherford read the article, did he not? A. Yes, sir.

Q. So that when Mr. Rutherford, through this article, said that Mr. Moyle was a murmurer, you accepted it because Mr. Rutherford said so? A. No.

Q. Well, what did you base that on other

than what Mr. Rutherford told you? A. On what the original letter of Mr. Moyle stated.

Q. Do you mean—and I want to get your position here correct—that you came to the conclusion he was a murmurer because he wrote a letter? A. No, sir.

Q. You agree, do you not, that he, as counsel to the organization and a member of the Jehovah's Witnesses, was perfectly within his rights in writing a letter to Mr. Rutherford? A. Yes.

Q. And you know, do you not, that this letter was handed or delivered to Mr. Rutherford; you know that, don't you? A. Just what the statement in the letter states.

Q. Don't you say that in the article "Information"? Don't you recall that? Don't you recall this, that on the 21st day of July, 1939—just refresh your recollection on that, if you will.

The Court: Take your own copy out. What paragraph?

Mr. Bruchhausen: That is the second paragraph.

The Court: The second paragraph.

The Witness: Now, what is the question?

Q. Well, I am asking you whether you agreed that Mr. Moyle, as general counsel, or counsel to the Society and a member of the Bethel family and a Jehovah's Witness, was within his rights in writing a letter to Mr. Rutherford?

The Court: He said yes to that question.



Q. That is correct, isn't it? A. Yes.

Q. And you know that that letter was delivered personally to Mr. Rutherford? A. No, I don't know.

The Court: He said he does not know. Isn't that what you said?

The Witness: I don't know.

Q. Didn't Mr. Rutherford tell you at the meeting that he received the letter? A. Yes, sir.

Q. You hadn't seen the letter before Mr. Rutherford showed it to you? A. No, sir.

Q. So, as far as you know, of your own knowledge, the letter came to you from Mr. Rutherford? A. Yes, sir.

Q. Or came to your attention from Mr. Rutherford? A. Yes.

By the Court:

Q. What you are trying to tell us is you don't know how Mr. Rutherford got it; you don't know, of your own knowledge? A. The regular routine.

Q. But you don't know whether this went through the regular routine or not? A. I was told it was.

Q. You were told it was. But of your own knowledge you don't know? A. Nobody knows that.

Q. It was told to you that it went through the regular routine?

By Mr. Bruchhausen:

Q. You signed this letter, saying that the letter reached Mr. Rutherford; you agreed to that? A. Yes.



The Court: He said he was told that it reached Mr. Rutherford.

Q. What particular feature of either the subject of that letter or the contents of the letter do you claim is a murmur? A. The whole contents of the letter, except his first paragraph.

Q. Do you subscribe to the position that any complaint made to the head of God's Organization on Earth and against the organization is a murmur? A. No. There is proper Scripture ways of doing those things.

Q. You mean you can't do it in the shape of writing a letter? A. Not of the character of this letter.

Q. You are objecting to the contents of the letter, are you not? A. Yes, sir.

Q. In other words, that some letters that were written as you might feel were along a certain line would not be murmurs and other letters would be murmurs? A. Certainly.

Q. Who in the organization determines just that point?

Mr. Covington: That has been answered.

The Court: Objection sustained. It is repetitious. He has answered that question.

Q. Did you know of your own knowledge all of the things that are stated in this article "Information"? A. Certainly I did.

Q. Did you know this, the statement made: "Mr. Moyle requested consolation to publish the letter"? A. I don't know that was in it.



Q. Do you want to change your statement? A. I thought in reference to the accusation.

Q. I am speaking of your whole article "Information." A. I don't know anything about this letter.

Q. Did you know of your own knowledge the statement in that article "Information" that Mr. Moyle "caused it to be publicly read"? A. I didn't get that.

(The stenographer read the question.)

The Witness: That he caused it to be read?

Q. That Mr. Moyle "caused it to be publicly read"? A. You mean this letter here?

Q. Yes.

The Court: No. Let me ask this—

Mr. Bruchhausen: There are several letters here.

By the Court:

Q. Let me ask you this question: What he wants to know is whether you know of your own knowledge that Mr. Moyle caused his letter to Mr. Rutherford to be read publicly? A. No.

The Court: He doesn't know.

By Mr. Bruchhausen:

Q. So, many of these things, Mr. Wise, in this letter, you accepted because Mr. Rutherford had written that article; is that correct? A. Because I believed the text of the article was true.

Q. You didn't know them of your own knowledge? A. No.



Q. So you accepted the statements made to you by Mr. Rutherford? A. Yes.

Q. And you would do that because he was head of this organization? A. Not necessarily so.

The Court: Because he was Mr. Rutherford; is that what you want to say?

The Witness: No.

Q. Did anybody else, other than Mr. Rutherford, Mr. Wise, tell you about any of these statements in the article "Information"? A. No, sir.

The Court: What you want to tell us is: In this matter you believed Mr. Rutherford. Is that right?

The Witness: I believed him, yes.

Q. And you didn't make any investigation at all about it? A. No, sir.

Q. And that would be your testimony about the article "Snares" of November 15th?

By the Court:

Q. You believed the article after you had read it in the Watch Tower? A. Yes, sir.

Q. You didn't make any investigation? A. None at all.

By Mr. Bruchhausen:

Q. So that at no time, Mr. Wise, did you, during any of these times, make any independent investigation or inquiry, other than what was said to you by Mr. Rutherford? A. What



investigations? Except what was brought out in our Board meeting.

Q. Other than what they testified to? A. No.

The Court: You didn't make any independent investigation?

The Witness: No.

Q. You weren't present at the trial in the Magistrates' Court or anything of that sort? A. No.

*Redirect examination by Mr. Covington:*

Q. Are you familiar with the building in Staten Island and the room that is occupied there by Judge Rutherford? A. Yes, sir.

Q. Are his accommodations there better than those of the other brethren?

Mr. Bruchhausen: I—

The Court: Haven't you had this from two other witnesses?

Mr. Covington: Yes, I think I have had it.

Q. Now, do you know how much time Judge Rutherford spent on the farm each year during those years? A. No, I do not.

Q. You do not. The buildings that you mentioned were on the farm when they were acquired, except the—

The Court: He has already testified to that. I think the jury can tell you the exact wording.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: Mr. Reimer.

HUGO H. RIEMER, residing at 124 Columbia Heights, Brooklyn, New York, called as a witness on behalf of the defendants, and having been first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. How long have you been associated with the Watch Tower Bible and Tract Society, Mr. Riemer? A. Since—You mean directly?

Q. Yes. A. Since 1918.

Q. When did you come to Bethel? A. 1918.

Q. And, prior to that, did you have any connection with the Watch Tower Bible and Tract Society? A. Yes.

Q. What place? A. Well, I was a traveling minister for ten years.

Q. In what states? A. Various states.

Q. And, after you came to Bethel in 1918, you have been there ever since, have you not? A. Yes.

Q. Now, can you talk a little louder, so the jury can hear you? A. Yes, sir.

Q. Talk louder than you do ordinarily in conversation. During the time that you have been associated with the Bethel family, did you have occasion to know J. F. Rutherford? A. Yes.

Q. And during those occasions, did you eat at the same table that he did? A. Yes, sir.

Q. Same dining room? A. Yes, sir.

Q. And you have had occasion then to observe his conduct at the Bethel table, is that right? A. Yes.

Q. Now, during the time that you were at Bethel, can you tell whether or not you ever heard Judge Rutherford give any of his brethren public trimmings and humiliations at the table in the presence of all the brethren. A. I never have.



Q. Have you heard filthy, smutty, dirty jokes passed around the table or told at the table? A. No.

Q. Have you ever heard Judge Rutherford indulge in such practices? A. No.

Q. Have you ever heard liquor and the use of it glorified at the Bethel home? A. No.

Q. Are you familiar with the letter dated July 21, written by Mr. Olin R. Moyle, addressed to Judge Rutherford? A. Yes.

Q. When did you first hear it read? When did you first know about the contents? That is the question. A. When Judge Rutherford called the directors' meeting.

The Court: August 8th, when his secretary read it?

The Witness: Yes. August 8th.

Q. You heard the contents, and when you heard the contents, did you believe them to be false? A. Yes, sir.

Q. You were acquainted with the facts, the true facts, pertaining to the situation, were you not? A. Yes, sir.

Q. You also signed the article entitled "Information," did you not, on September 21st? A. Yes.

Q. That contained the resolution, did it not? A. Yes.

Q. A resolution that is mentioned in the article entitled "Information." Was that the resolution that was prepared on July 21st? A. Yes, sir.



Q. And the article entitled "Information"—

The Court: You have the wrong date. It is August 8th.

Mr. Covington: I mean July 21st.

The Court: August 8th. You better start your question over again.

Mr. Covington: Strike out that question.

Q. On September 21st the article entitled "Information" was signed, was it not? A. Yes.

Q. That contained it in a resolution which was drawn up on August 8th? A. Yes.

The Court: You were one of the committee that drew it up?

The Witness: Yes.

Q. The resolution was signed then by you on August 8th? A. Yes.

Q. You and Mr. Suiter and Mr. Sullivan were members of the committee; is that right? A. Yes.

Q. Did you feel that that action stated in the resolution was necessary to be taken on that occasion? A. Yes.

Mr. Bruchhausen: I object to that.

Q. What, if anything, did you say on the occasion of the meeting of August 8, 1939, in the presence of Mr. Moyle? A. I said that I thought that his— I recognized that his statements presented in that letter were comparable to what Jude said: "That those who would turn



from the truth would be such as would speak evil of dignitaries." That was my comment, quoting from Jude.

Q. Did you make any other comment, Mr. Reimer? A. I guess I did, but I don't recall. I do recall that.

The Court: That is the only one you remember? That is all you can testify to?

The Witness: Yes.

Q. When you signed the article entitled "Information" on September 21, 1939, did you believe the contents of it to be true? A. I did.

Q. And the expressions therein concerning the action of Mr. Moyle, did you honestly believe those statements to be true? A. I did.

The Court: You had no malice in your heart?

Q. Did you have any malice towards Mr. Moyle? A. No.

Q. And this was an honest expression of your belief, is that right? A. Yes, sir.

Q. Did you sign that for the benefit of the brethren, advising them as to the Information contained therein? A. Yes.

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. Strike out the answer.

Q. What was the purpose of signing the article "Information"?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: Exception.



Q. How long have you known the plaintiff Moyle? A. I think I first made his acquaintance when he came to Bethel in 1935.

Q. During that time, did you have occasion to speak with him or become better acquainted with him? A. Yes, from time to time.

Q. And you knew Mr. Moyle was widely known throughout the country, did you not, among Jehovah's Witnesses? A. After he came to Bethel.

Q. That is what I am talking about; between 1935 and 1939. A. Yes.

Q. Did you think it was necessary to protect the Society and Jehovah's Witnesses in making public the article entitled "Information"?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Q. On the day that you signed the article entitled "Information," did you have any evidence before you to show that Mr. Moyle had been circulating his letter or causing it to be circulated? A. Yes.

Q. What evidence was called to your attention? A. We were called up in Judge Rutherford's office.

The Court: He asked you what evidence was called to your attention. What evidence was called to your attention?

The Witness: Some letters on Judge Rutherford's table.

By the Court:

Q. Did you see them yourself? A. Yes.



Q. How many were there? A. They were all clipped together.

Q. How many were there? A. I don't know.

Q. Then you didn't see them all yourself? A. I saw the bunch of them.

Q. You saw a bunch? A. Yes.

Q. Do you know they were letters by Mr. Moyle? A. He said so.

Q. Then you don't know of your own knowledge. Don't tell us anything that you guess at here.

By Mr. Covington:

Q. Did anyone make any comment concerning those letters?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: Exception.

Mr. Bruchhausen: I will withdraw that objection. I have no objection.

The Court: Are you talking about the meeting of August?

Mr. Covington: September 21st.

The Court: September 21st?

Mr. Covington: Yes.

By the Court:

Q. Did anybody make any comment about those letters? A. Yes. Mr. Sullivan said that he thought a resolution—

Mr. Bruchhausen: I object to his thoughts.

Mr. Covington: We are asking what he said.

The Court: This is what he said. Mr. Sullivan said he, Sullivan, thought—

The Witness: That the letters had come to the office there, and it would be necessary to draw up a resolution of that sort and make use of it.

By Mr. Covington:

Q. In what way? A. To spread it.

Mr. Bruchhausen: Is this a conversation?

By the Court:

Q. This is what Mr. Sullivan said? A. Shall I continue with Mr. Sullivan?

Q. Only what he said. A. That he thought it was necessary to send information out to that zone.

Q. "To that zone" meaning the Wisconsin zone? A. That is right.

Q. What did Judge Rutherford say? A. He said that there was trouble over in that place, where Moyle had gone to, and that the brethren were in confusion and that it would be necessary to get some information over there.

Q. He said that, and Mr. Sullivan said what you told us? A. That is right.

By Mr. Covington:

Q. Did you have anything to do with the publication of the article entitled "Snares"? A. No.

The Court: The first time you read it is when you read the Watch Tower?

A. Right, your Honor.

Mr. Covington: That is all.



*Cross-examination by Mr. Bruchhausen:*

Q. You were friendly with Mr. Moyle all during the time he was there? A. Yes, sir.

Q. Had you called anybody else a Judas before that time, before it was mentioned in this article "Information"? A. Had I called anyone else?

Q. Yes. You meant to call Mr. Moyle a Judas in that article, didn't you? A. No.

Q. So you say that article doesn't mean that you meant he was a Judas? A. No, I didn't say that.

Q. Did you mean that he was similar to a Judas? A. Yes. He had the Judas spirit.

Q. Just like a Judas; is that right?

The Court: "Had the Judas spirit," is what he said.

Q. Had you ever charged anyone else, before this, with having a—

Mr. Covington: This is altogether immaterial.

Q. (Continuing) —Judas spirit?

Mr. Covington: Irrelevant.

The Court: Objection sustained.

Q. Do you recall when Mr. Wise brought his wife in there? A. I don't remember particularly, no.

Q. Many years ago? A. Yes, quite a few years ago.

Q. You don't know whether this printed rule that they had was the same one as existed at that time? A. No, I do not.



Q. What is your specific duty, or was in 1939? A. At Bethel?

Q. Yes. A. I worked in the office.

Q. In Adams Street? A. Yes.

Q. In what capacity? A. I was the buyer, the purchasing agent.

Q. During what periods did you preach? A. I preached all during that period, since being at Bethel.

Q. You were preaching all the time that you were purchasing agent? A. Well, when I was sent out on appointments.

By the Court:

Q. How often were you sent out on appointments? A. Week-ends.

By Mr. Bruchhausen:

Q. Sent out on appointments to preach around at the different gatherings? A. Yes.

The Court: On week-ends only?

The Witness: Yes.

Q. When did you become a Minister in the Watch Tower Organization? A. Well, I think that I began to accept the truth, consecrating my life—

The Court: He didn't ask you for a speech. When? A very simple question.

The Witness: In 1904. 1903.

Q. I assume you graduated from a divinity school? A. No.

Q. Have you ever studied any other literature, religious in nature, other than the Watch



Tower literature? A. I did, when I was a Methodist.

Q. And that is many years ago?

The Court: Not since 1904, is that it?

The Witness: That is right.

Q. So, ever since that time, all of your education or information along religious lines has come from the Watch Tower and from preachings? A. Right; yes.

Q. Do you write any of these articles? A. No.

Q. But you take everything as it comes from the Watch Tower official magazine, as the organ of God's Organization on Earth? A. As I approved it from the table.

Q. Did you ever disapprove of it? A. I don't know that I did.

The Court: Well, did you or didn't you?

The Witness: No.

Q. During your time in and around Bethel since 1918, did you ever hear any disapproval of it there? A. I don't recall.

Q. Did you ever hear that Mr. Rutherford himself disapproved of some of the doctrines of Mr. Russell? A. Yes.

Q. Did you know anything about the disturbance with the four directors? A. May I ask which directors?

Q. Mr. Hoskins, Mr. Wright, Mr. Hirsh and Mr. Ritchie? A. I just have hearsay information.

Q. Did you live there when they lived there at Bethel? A. No. I visited there.



Q. Did you know anything about the by-law that was changed? A. No.

Q. You never heard anything about that? A. No.

Q. Now, you mentioned some discussion you had with Mr. Sullivan or some statement that you say Mr. Sullivan made.

The Court: It wasn't a discussion. He said Mr. Sullivan said it at the September 21st meeting that we have heard about.

Q. Who was present on that occasion that you referred to when you claim Mr. Sullivan made the statement you have just mentioned? A. All those that signed the article "Information" except the last three signers.

Q. And was any stenographer present? A. Secretary.

Q. No one took down the statements that you are now making, about what Mr. Sullivan said? A. I don't know whether they did or not.

Q. You haven't, within the last few months, had any stenographic statements shown to you alleged to have been taken at that time, have you? A. No.

Q. No one has told you that a stenographic record was kept? A. No.

Q. Has anybody spoken to you since September, 1939, about what Mr. Sullivan said on September 21, 1939? A. No.

Q. So that you recalled this conversation, as you stated it here today, exactly as you have stated it, from 1939? A. That is right.

Q. And you haven't talked to anybody, Mr. Covington, or any of the directors about it? A. No.



Q. You say that there was a bunch of letters? Did you use that statement? A. That is right.

Q. Did you read the letters? A. No.

Q. Did you know whom they came from. A. Only was told they came from that area.

Q. You don't know whom they were from? A. No.

Q. And do you know when they came in? A. No.

Q. You said something about sending somebody out to "that zone," is that correct? A. That is right. No, I didn't say that.

Q. What zone?

The Court: He says "I didn't say that."

Mr. Bruchhausen: Oh, pardon me.

Q. Well, didn't you say something about a zone? A. I said there was trouble in that zone and there ought to be something to enlighten the brethren.

Q. Was there any decision made then about sending Mr. Howlett out to the zone? A. In the meeting?

The Court: On September 21st, yes.

The Witness: Yes.

Q. And when, if you know, was the decision made to publish the article "Information" in the Watch Tower? A. I don't recall that.

Q. Did you attend any meeting where anybody agreed as to publishing that article in the Watch Tower of October 15th? A. I don't recall that, no.

Q. Well, when did you next, after September

21st, hear about that article "Information" or see it anywhere? A. When I read it in the Watch Tower, when it came out.

Q. You don't know who directed that article to be printed in the Watch Tower, do you? A. I think the article answers that itself.

Q. Do you know who directed it to be printed? A. The article said so. That is all I know.

Q. Will you tell me now?

By the Court:

Q. Do you know who directed that the article be printed in the Watch Tower?

Mr. Covington: The article says "Approved for publication by J. F. Rutherford."

Q. (Continuing): It was Mr. Rutherford, wasn't it? A. Yes.

The Court: There doesn't seem to be any question about it.

By Mr. Bruchhausen:

Q. So this article was approved for publication on September 21st, wasn't it? A. Whenever Judge Rutherford signed that.

The Court: You don't know when he signed it, do you?

The Witness: No.

Q. Was his signature on it at the time you signed? A. No.

Q. Did you see it after his signature was on it? A. I did not.



Q. Do you know how long after you signed it his signature was put on it? A. I do not.

Q. You knew then, when this was approved for publication, that it would be sent throughout the United States and throughout the world, didn't you? A. Yes.

Q. And you knew it was going to be published? A. I did not know it until I saw it in the Watch Tower.

The Court: You didn't give Mr. Rutherford authority to put your name in the Watch Tower?

The Witness: I don't recall that definitely. I would have no objections.

Q. You would approve of that being printed in the Watch Tower? A. Yes.

Q. And sent throughout the United States and sent throughout the World? A. Yes.

Q. Did you know, of your own knowledge, these matters that are stated in the article "Information"? A. Would you repeat that?

(The stenographer read the question.)

A. Yes.

Q. You heard me questioning Mr. Wise about some of those items in the article "Information"? A. Yes.

Q. Did you know those of your own knowledge? A. Yes.

Q. You knew something about Mr. Moyle having publicly read this letter stated in that article "Information"? A. What do you have reference to, particularly?

Q. I call your attention to the article "Information," which you say you signed, to the effect that it states that Mr. Moyle publicly read that letter of his. It states that he "caused it to be publicly read." And in that connection I asked you what evidence you had on September 21st that he had caused that letter to be publicly read? A. May I see a copy of that, please?



The Court: Surely, you may.

The Witness: Can you tell me just where it is?

Q. Well, it is in the part commencing, "Aside from the introductory paragraph."

The Court: Whereabouts? Second page?

Q. It is about midway. It is after the resolution itself. And then you start in with "Aside from the introductory paragraph—"

The Court: Have you found it?

Q. "—announcing the writer's purpose."

The Court: He has it.

Q. The particular sentence in which that is contained is "He, requested consolation to publish his letter and, Moyle being refused now caused his libelous paper to be published and circulated among certain companies of the Consecrated, causing the same to be publicly read." A. I recall that that was covered by the remarks of Judge Rutherford.

The Court: Then you don't know it of your own knowledge?

The Witness: No.



Q. And you didn't know of your own knowledge, did you, of any request by Mr. Moyle to publish this letter in Consolation? A. No.

Q. So this article "Information" was approved by you because Mr. Rutherford had written it and you took it from him as the head of God's Organization on Earth? A. Yes, sir.

Q. Do you say that everything in Mr. Moyle's letter is false; do you subscribe to that?

The Court: Except the first paragraph.

Q. Excepting the first paragraph. A. Yes.

Q. And do you want this Court and jury to believe that Mr. Rutherford never scolded members of the family in the dining room? A. Not in the way it is mentioned in the letter—"trimming."

Q. He did scold them, didn't he? A. Well, he talked plain to them.

Q. He what? A. He talked plain to them.

Q. And he talked rather loud? A. Not necessarily.

Q. Didn't he talk through the microphone? A. Yes.

By the Court:

Q. What do you mean by talking "plain"? A. Well, he didn't hesitate to present the right view when it was necessary.

Q. If he disagreed, he would tell them? A. Yes. But it was not "lambasting" nor "trimming."

Q. What do you say is "lambasting"? A.



Well, it is unduly loud speaking and calling a person down and misusing privileges.

Q. What do the Scriptures say about "lambasting"? A. I don't know that the word "lambasting" is used in the Bible.

By Mr. Bruchhausen:

Q. He called them down, didn't he? He called them to account for derelictions? A. That is right; yes.

Q. He did it in a loud voice? A. Not necessarily, no.

Q. Not necessarily? I am not asking you that. I am asking you whether or not he did it in a loud voice? A. No.

Q. And you could hear him all over the room? A. You could hear him all over the room, yes; but not in a loud voice.

Q. That is, he didn't take the individual up to his study, but addressed him right before the Bethel family? A. Yes.

Q. That was the way that he called to task anyone that he wanted to correct? A. Yes.

Q. That was the method adopted, was it not? A. Scriptural method.

Mr. Bruchhausen: I move to strike out "Scriptural method."

The Court: Strike it out.

Q. And you heard about this incident with Mr. Woodworth, C. J. Woodworth; you were present? A. Mentioned in the letter?

The Court: Mentioned in Moyle's letter.

The Witness: Yes.



Q. You were present when Mr. Rutherford gave him a scolding, weren't you? A. I wouldn't call it a scolding, necessarily.

The Court: When he plain-talked to him?

The Witness: Yes.

Q. And he expressed his disapproval, didn't he? A. Yes.

Q. And you were also present when Mr. MacAuley had some argument in the open there with Mr. Rutherford? A. Yes.

Q. And, as a result of that, shortly after, Mr. MacAuley left, didn't he? A. Yes.

Q. Was he asked to leave? A. No.

Q. Do you know whether he was asked to leave? A. He left of his own accord.

Q. Do you recall one Westerly Ledwig? A. I don't know him. I don't recall.

Q. Do you recall Norman Woodworth? A. Yes.

Q. And he had some disagreement with the Judge, didn't he? A. I think so.

Q. That was during that period around 1932; and wasn't he asked to leave? A. I do not know that.

Q. So that you were present on all these occasions where Mr. Rutherford called these members of Bethel to account—MacAuley, C. J. Woodworth, McCormick, Knorr, Prosser, Price and Nora, weren't you? A. Yes.

Q. And on each of those occasions Mr. Rutherford told them out in the open, before the Bethel family, what he was displeased about? A. Yes.

Q. And gave them his criticisms? A. Yes.

Q. And you recall also Brother Worsley? A. Yes.

Q. You were present when Mr. Rutherford talked to him and told him that he was in disagreement with him? A. Yes.

Q. And that was in a rather loud voice, wasn't it? A. Not as loud as you are talking to me now.

Q. Well, it was above the conversational tone, wasn't it? A. It necessarily would have to be.

Q. And could be heard all over the room? A. Yes.

Q. You recall also this Madison Square Garden incident, don't you? A. Yes.

Q. And the displeasure that Mr. Rutherford had about the ushers in the Garden? A. Yes.

Q. You know Mr. Rutherford was perturbed about the disturbance caused by other elements coming into the Garden, wasn't he? A. Yes.

Q. And the ushers had been assigned with canes to take care of the protection inside of the Garden, isn't that right? A. Yes.

Q. And when these alleged rioters got into the Garden, some of the ushers did use their canes, didn't they? A. Not to my knowledge.

Q. Were you there? A. Yes.

Q. At any rate, there was a disturbance between the ushers and those who attempted to cause trouble, was there not? A. Yes.

Q. And then afterwards they had this case in the Police Court where Mr. Heath and Mr. Orrell and one or two of the others were charged with assault? A. I heard about it.

Q. And Mr. Rutherford was somewhat upset and perturbed about that happening, wasn't he? A. Yes.



Q. And didn't he, in the presence of the Family, indicate his displeasure with the way the ushers operated on that occasion? A. Yes.

Q. And didn't he use the word "sissies" in referring to them? Don't you recall that? A. He didn't call them "sissies."

Q. Did he use the word "sissies"? A. Yes.

By Mr. Bruchhausen:

Q. And you know that Mr. Rutherford spent part of his time over in Staten Island— A. Yes.

Q. (Continued)—on the farm? A. Yes.

Q. Week-ends? A. Yes.

And there were not any of the boys from the factory who went over there, were there? A. Oh, yes.

Q. But they went over to work? A. Yes,

Q. They did not go over for week-ends, did they? A. Yes.

Q. You mean they went over there to spend the week-end on pleasure? A. It was a pleasure to work. There are no idle people in Bethel.

Q. They were assigned to work in Staten Island? A. That was their pleasure.

Q. That is, they were sent over a week at a time? A. They were not sent there. They were invited, and they accepted of their own accord.

Q. And they went over a week at a time, whatever the requirements were? A. And I think they were glad to do it.

Q. But Mr. Rutherford went over whenever he pleased, did he not? A. That is right.

Q. That is, at his own discretion and time? A. Yes.

Q. And you did not know why he went over there? A. (No answer.)



Q. You had no personal knowledge of what he did over there? A. No.

Q. Did you visit Staten Island yourself? A. Yes.

Q. At times they talked about other things than Scriptures at the table, didn't they?

The Court: The Bethel table.

A. Yes.

Q. Didn't you tell jokes once in a while? A. Yes.

Q. That is, you did not always quote the Bible at meals, did you? A. No.

Q. And at times they would tell off-color stories, wouldn't they, some of the boys? A. No.

Q. (Continued) Who had been working at the factory? A. Not as set forth in the letter.

The Court: What kind do you say they told?

Q. They did tell stories of one kind or another? A. Judge Rutherford told comical stories once in a while at the table.

Q. And sometimes they got to be a little rough, didn't they, with the stories? A. No, never.

Q. Didn't they have wine now and then? A. No, never at the table.

Q. You never saw any wine there? A. Never at the table.

Q. Where was it, in the rooms? A. No.

Q. Where did they keep the wine? A. I don't know that any of them kept wine.

By the Court:

Q. Where was it drunk? Let us have it.



By Mr. Bruchhausen:

Q. Where did they have the liquor there? A. Well, some of the boys had liquor in their rooms. They would take a little drink, yes.

Q. They would get their own bottles there, bring bottles in from the outside? A. Yes.

Q. And at times it had an effect on them, didn't it? A. Never. I never saw anything like that.

Q. They kept to their rooms with it, is that it? That is, you did not see what went on inside the rooms when they had the bottles, did you? A. There was nothing intemperate about it.

Q. There was outward order and behaviour as far as you saw? A. Repeat that.

Q. I say, outwardly, they behaved themselves, is that it? A. Yes, outwardly, too.

Q. But you did not inspect all the rooms as to what happened with these bottles they brought in, did you? A. After living there 20 years, I would know.

By the Court:

Q. Did you inspect the rooms, sir? A. Why, I didn't make a special inspection of it.

By Mr. Bruchhausen:

Q. What floor did you live on? A. I lived on the fifth.

Q. So you did not have occasion to go on the fourth floor or the third floor or what not? A. No.

Q. You did see these bottles coming in, being brought in, didn't you? A. Very little.



Q. But they did bring bottles in? A. They were not objectionable.

The Court: Will you please answer the questions and we will get through. This jury has been here now almost two weeks. Did you see bottles being brought in?

The Witness: One or so.

Q. At times you saw it being brought in, that is correct, is it not? A. Yes.

Q. And didn't you hear the comments made at one time that "One cannot be a real Bethelite without drinking beer"? A. I never heard that statement.

Q. They drank beer; you heard it testified to that they drank beer at the factory? A. Yes, but with moderation.

Q. And now and then they would bring it over to the Bethel, wouldn't they? A. No.

Q. Your doctrine was not against drinking liquor; it was against drinking it to excess, wasn't that it? A. That is right.

Q. So you did not object to their bringing beer in there? A. No.

Q. And they brought bottles of beer in there? A. Nothing as was stated in the letter.

Q. You mean not as much of it as was stated in the letter? A. Not near as much. That is a lie that is stated in the letter.

Q. How much beer do you think they alluded to in the letter?

Mr. Covington: If your Honor please, the letter talks about an entirely different matter.

The Court: Objection sustained.



Q. I call your attention, Mr. Reimer, to this: Did you hear this: "We cannot do much with Moyle, but we will make a man out of Peter?" A. Never heard that statement until I heard it read.

Q. Of course, they would rail about anyone that was a teetotaler, wouldn't they? A. I never heard of that.

Q. Wasn't that the conversation that was bandied about? A. No. Bethel isn't a place where they ridicule people.

Q. You knew that there were some who abstained and some who did not abstain, didn't you? A. Yes.

Q. And there was a division between the two, those who were for and those who were against? A. No argument, no.

By the Court:

Q. Was some kidding about it? A. No.

By Mr. Bruchhausen:

Q. And they never discussed it, the ones who did and the ones who did not? A. No.

Q. That was not taken up at the table any place? A. No.

Q. Didn't you do something other than have meals and pray at the table? A. Eat.

Q. What did you do in your spare moments there? A. Every man could do as he pleased.

Q. What? A. Every one could do as he pleased.

Q. Take, for instance, after dinner, what would you do? A. Go to the room and lay down and rest or read or attend to some other things.

Q. Didn't you have any place there where you all gathered together and were friendly, any meeting room? A. We had a meeting room, yes.

Q. And wouldn't you gather in conversation there? A. Yes.

Q. And talk about the oddities of this particular individual or that particular person? A. I don't recall.

Q. You did not mention anything about anybody else, whether he is an interesting person or was not? A. Not as stated in the letter.

The Court: He is not asking you that.

Q. Did you discuss anything but Scriptures at these meetings in the rooms where all of you gathered? A. Yes.

Q. You discussed the matters of the day, didn't you? A. Yes, current topics.

Q. And didn't you discuss stories that you read in the newspapers or what you heard on the outside? A. Anyone could imagine, yes.

Q. And didn't the boys from the factory bring in some good stories once in a while? A. If you are getting at trying to prove those—

The Court: Look, sir: You are here to answer questions, not to make speeches.

Q. The boys from the factory were in contact with people from the outside, weren't they, who came on business to the factory? A. Sure.

Q. People who made deliveries and all that sort of thing? A. Surely.

Q. And didn't they hear stories and bring them over to Bethel? A. I do not know.



Mr. Covington: If your Honor please, that is outside of the realm of the letter.

The Court: I think it is. Objection sustained.

Mr. Bruchhausen: No further questions.

The Court (addressing Mr. Covington): Anything further from this witness?

Mr. Covington: That is all.

(Witness excused.)

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Mr. Covington: Mr. C. J. Woodworth.

CLAYTON J. WOODWORTH, of 124 Columbia Heights, Brooklyn, New York, and 1622 Quincy Avenue, Scranton, Pennsylvania, a witness called on behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. How old are you, Mr. Woodworth? A. 73.

Q. And how long have you been connected with the Watch Tower Bible & Tract Society? A. 48 and a half years.

Q. How long have you known Judge Rutherford? A. Since 1907.

Q. How long have you been a member of the Bethel Family? A. Since September 1, 1919.

Q. Do you know the plaintiff, O. R. Moyle? A. I do.

Q. How long have you been acquainted with Mr. Moyle? A. I knew him during the four years, 1935 to 1939.



By the Court:

Q. When he was at Bethel? A. When he was at Bethel.

By Mr. Covington:

Q. You stated you had two addresses. Do you spend part of your time at Scranton and part of your time here in Brooklyn? A. I do.

Q. When you are in Scranton you stay there at your home, is that right? A. Yes.

Q. And when you are here in Brooklyn, you spend all of your time at 124 Columbia Heights? A. Yes.

Q. During the years 1935 to 1939, how much time approximately would you spend at both those places? A. Approximately one-half, slightly more due to spending the odd week-end in Scranton.

Q. You are married, are you not? A. Yes.

Q. Does your wife live at Bethel or at Scranton? A. She lives at Scranton.

Q. Do you know Mr. W. E. Van Amburgh? A. I do.

Q. How long have you known the defendant, W. E. Van Amburgh? A. Approximately 45 years.

Q. And you know the other defendants in the case well, do you not? A. I do.

Q. During the years that you lived at Bethel, did you have an opportunity to become well acquainted with Judge Rutherford? A. I did.

Q. What work is assigned to you to do at Bethel? A. Editorial work.

Q. And in connection with what magazines during the years 1935 to 1939? A. "Consola-



tion" magazine, previously "The Golden Age." It was during that period somewheres in between that the name was changed.

By the Court:

Q. They are one and the same magazine, "Golden Age" and "Consolation"? A. One and the same magazine.

By Mr. Covington:

Q. What sort of a magazine is the "Consolation" magazine? A. It is a magazine of general interest to all people that are interested in truth on every wholesome subject.

Q. It is a magazine that is not designed exclusively or specifically for Jehovah's Witnesses and people of good will, is it? A. It is designed for everybody.

Q. And the "Watch Tower" is used as a channel of communication between the Society and Jehovah's Witnesses, is it not? A. That is correct.

Q. And the "Consolation" is used as a channel between the Society and people outside of Jehovah's Witnesses primarily, is it not? A. That is correct.

Q. And it also goes to Jehovah's Witnesses, does it not? A. Yes.

Q. And people of good will? A. Yes.

Q. What is the nature of the articles that are treated in the "Consolation" magazine, generally speaking?

Mr. Bruchhausen: I do not see the relevancy of all this.



The Court: Do you see anything material about this?

Mr. Covington: I wanted to show the difference between this and the "Watch Tower."

The Court: I think you have shown that when you have asked the questions that you have. I do not want to limit you. I think you have shown very definitely, and I think the jury understands that one is supposed to be for all people who are interested and the other is supposed to be primarily for Jehovah's Witnesses and people of good will.

Mr. Covington: That is right.

Q. During the years that you have resided at Bethel, you had become well acquainted with Judge Rutherford, you say? A. I did.

Q. And during that time, have you had occasion to transact much business with him? A. Many times.

Q. And have conferences with him? A. Frequently.

Q. During the time that you knew Judge Rutherford, would you tell the jury, please, what sort of a man you found him to be, with reference to the treatment of his brethren at Bethel. A. Courteous and kind to a fault.

Q. And what attitude did he take towards his brethren at the table in reference to the matter of permitting everyone to express themselves on various matters? A. Excellent, broad-minded, kindly.

Q. Did you ever see him take the position of a Dictator? A. I never did.



Q. Arbitrarily suppress anyone from making speech? A. On the contrary, he encouraged freedom of speech at the table.

Q. Were you ever reluctant to exercise speech at the Bethel table? A. Never.

Q. What was the attitude or the relationship between you and the Judge? Were you friendly or what was the relationship? A. I loved him like a brother and he me.

The Court: You cannot very well say that, can you?

The Witness: I judged that—

The Court: You can speak for yourself, not for him.

Q. Did he show any indication of love towards you during the years that you lived there? A. Always.

Q. Did he show indications to others of his love towards them in the Bethel Family? A. Certainly.

Q. I show you a letter dated July 21st—

By the Court:

Q. You know that letter, don't you? A. Yes.

By Mr. Covington:

Q. The one that has been referred to addressed by Mr. Moyle to Judge Rutherford.

Mr. Bruchhausen: Plaintiff's Exhibit 4.

Q. (Continued) Plaintiff's Exhibit 4. What was the first that you learned of the contents of that letter? A. At the meeting of the Board of Directors on August 8th.

Q. That was the first time? A. Yes.

By the Court:

Q. It was read by Rutherford's Secretary? A. That is correct.

By Mr. Covington:

Q. When you heard the letter read, what was your reaction or opinion as to its contents? A. I resented it. I believed it to be false.

Q. And did you know the facts and circumstances upon which these charges were supposed to be made, contained in the letter? A. I was quite familiar with most of that.

Q. You had visited at Staten Island, had you not? A. Yes.

Q. You had been living in Bethel, of course? A. Yes.

Q. And you were familiar with the Judge's office, were you not? A. I visited him frequently on the seventh floor, at his office.

Q. During the time that you have been at Bethel, have you ever noticed Judge Rutherford to ill-treat, lambaste and trim his brethren at the Bethel table? A. I have not.

The Court: Can't you shorten that by asking him if he has not heard the other witnesses?

Mr. Covington: I will ask that if it will be acceptable and satisfactory.

The Court: I am sure it will be.

Mr. Bruchhausen: I won't object.

Q. You heard the testimony of the other witnesses concerning the—



The Court: Charges made in Mr. Moyle's letter?

A. I did.

By the Court:

Q. Your testimony would be substantially the same as theirs? A. It would so.

Q. With the exception of the first paragraph of the letter, you say that it is false? A. I do, yes, sir.

By Mr. Covington:

Q. There is a statement in this letter which I will read to you—

The Court: Mr. Covington, don't let me interfere with you. I think the jury has had it several times. You do anything you want. If you want to go through the other, go right ahead.

Mr. Covington: I am not going through the other. There is an instance here that has not been testified to.

The Court: Go right ahead.

By Mr. Covington:

Q. In this statement Mr. Moyle says: "The first, if memory serves me correctly, was a tongue-lashing given to C. J. Woodworth. Woodworth in a personal letter to you stated something to the effect that it would be serving the Devil to continue using our present day calendar. For that he was humiliated." Were you humiliated by Judge Rutherford on that occasion? A. Not at all.

Q. Were you trimmed? A. Not at all.



Q. And made a spectacle of? A. No.

Q. Did you get a tongue-lashing? A. No.

Q. Just tell us the circumstances pertaining to that matter, how it arose, what you said, what Rutherford said, and what anybody else said, if there was any such thing.

The Court: And where it happened.

Q. (Continued) And where it happened. A. I was seated at No. 1 table, at the south end of the dining room when Judge Rutherford or Brother Rutherford or Mr. Rutherford said he had received a communication from a member of the Family which he wished to read and would like to get an expression from the members of the family as to what they thought of this letter—

Q. Before you proceed, is that a letter that you wrote to the Judge? A. Yes, that is a letter I wrote to Judge Rutherford.

Q. Tell the jury what you wrote, if you remember, in substance, to Judge Rutherford. A. It will be necessary to explain a little.

By the Court:

Q. It was concerning changing the calendar? A. Yes.

By Mr. Covington:

Q. It related to the change from the present day calendar to the use of the Bible calendar, is that right? A. Yes.

Q. And you had advocated that? A. Yes.

By the Court:

Q. Advocated a change in the calendar? A. Yes.



By Mr. Covington:

Q. Were you one of the men that made the research in preparation for the Bible calendar that was suggested? A. I was the principal man.

Q. You were enthusiastic about that, were you not? A. I examined 220 works on Astronomy to write it.

Q. The matter had been a subject for discussion for considerable time in the Bethel Family, prior to this occasion, had it not? A. Yes, it had.

Q. And it had been brought up for discussion and the subject closed? A. Yes.

Q. (Continued) In the Family? A. Yes.

Q. After that, tell us, after you had delivered the letter to the Judge, what happened on the day in question that you have mentioned at the table? A. The calendar story had occupied 64 pages of the magazine in three issues, and had gone into the subject exhaustively. It had drawn attention to the fact that 10 calendars—

The Court: He wants to know the details of the conversation with Judge Rutherford. You told us Judge Rutherford said he had received a communication from one of the members of the Family.

Q. Did he say that at the opening of the meal? A. Yes.

Q. Tell us what if anything was said right away or how long it was before anything was said. A. He threw the matter open for discussion as to whether—

By the Court:

Q. Did he read your letter first? A. Yes, my letter was read.



Q. Then the matter was thrown open for discussion? A. Yes.

By Mr. Covington:

Q. Who was the first to make comment? A. There were two or three who made comments, and then I requested permission to make a comment, and when permission was granted to me, I stated what I knew to be a fact, that I had allowed my enthusiasm to go ahead of my better judgment in the matter, and that I had made a jackass of myself, which was correct.

Q. In advocating the change of the calendar? A. Yes.

The Court: In writing the letter advocating it?

The Witness: Yes.

Q. Then what, if anything, did Judge Rutherford say on that occasion in response to what you said? A. He agreed with what I had said, and I think that was all right.

Q. Did you object to it? A. I did not.

Q. Did you ever tell Mr. Moyle that you objected to it? A. I did not.

Q. Did you ever tell Mr. Moyle you wanted him to write a letter to Judge Rutherford protesting in your behalf? A. Never did.

Q. Did you consider that this was proper admonition to receive at the hands of the Judge? A. Yes, I do.

Q. Did you resent what he had said? A. I did not.

Q. What was his course of action as compared with the Scriptures towards you on that occasion? A. It was just in harmony.



Mr. Bruchhausen: I object to that.

The Court: I will permit him to say.

Mr. Bruchhausen: I withdraw the objection.

The Court: It was in harmony with the Scriptures?

The Witness: It was in harmony with the Scriptures.

Q. Did you consider that you were getting a table-trimming or being publicly humiliated because of that? A. I did not.

Q. Did you consider that that was for the use and benefit of the Family because of the fact that it had been a subject of discussion before the Family? A. Yes, I did.

Q. Did you make any objection or criticism publicly at the table? On that occasion? A. I did not.

The Court: He has already said he did not object to it.

Mr. Covington: I am sorry, your Honor, for the repetition.

Q. Do you recall what you said on the date of August 8, 1939, at the Board of Directors meeting in the office of the President of the Society at which Mr. Moyle attended? A. Yes.

Q. What, if anything, did you say? A. I said, "Jehovah God reprimanded Miriam, saying to her, 'How is it that you dared speak one word against my servant Moses?'" That I thought that this letter had shown the same disposition that Miriam had shown, and Miriam, as we know, was severely punished for what she did.

By the Court:

Q. Is that all that you said? A. That is the drift of it.

By Mr. Covington:

Q. Did you vote in favor of the resolution? A. I did.

Q. You have heard the testimony of the other witnesses on what took place on that occasion and what was said. Your testimony would be the same in that regard, would it not? A. Yes, it would.

Q. Did you also attend the meeting of the Bethel Family at noon that day when the session was had? A. I did; yes.

Q. Do you agree as to what has been said from the other witnesses on that point? A. I do.

Q. After August 8th, and in the neighborhood of September 21, 1939, did you have occasion to sign an article entitled, "Information"? A. I did.

By the Court:

Q. Did you sign it at the Board of Directors' meeting? A. No, I did not.

Q. You are one of the three that signed it afterwards? A. Yes.

Q. Where did you sign it? A. In Judge Rutherford's office.

Q. He called you? A. He called me.

Q. And showed you the article? A. Yes.

Q. And you read it and then you signed it and agreed with it? A. That is correct.

By Mr. Covington:

Q. Did you believe the contents of that letter to be true? A. I did.



Q. That article entitled "Information," I mean? A. Yes, I understood you to mean that.

Q. And did you believe that the comments expressed therein was your honest opinion and belief? A. I did.

Q. Did you think that they were a fair expression of your belief concerning the plaintiff's conduct? A. I thought so.

Q. Did you do it without malice? A. I certainly did.

Q. Did you understand that it was to be used in behalf of the Society in making this information known? A. I did.

Q. Did you do this for the benefit of your brethren in the field, Jehovah's Witnesses?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.

Mr. Covington: We except.

Q. Why did you sign the article entitled "Information"?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: We except.

Q. I want to ask one more question: You need not answer this until he has had an opportunity to object: Did you consider that the subject matter covered in the article entitled "Information" was a matter in which Jehovah's Witnesses had an interest to receive information of and concerning?

Mr. Bruchhausen: I object.

The Court: I will permit him to answer.

A. Yes.



Q. With reference to the "Snares" article, did you have anything to do with that? A. Nothing.

By the Court:

Q. You read it in the "Watch Tower" after you got your copy of the "Watch Tower"? A. That is correct.

By Mr. Covington:

Q. Did you sign the article entitled "Information" voluntarily? A. I did.

Q. During the time that Mr. Moyle was associated with the Society, did he have occasion to publish articles in the magazine entitled "Consolation"? A. We were very glad to have him for a contributor.

Q. And how many articles did Mr. Moyle write over his own name in the "Consolation" magazine?

Mr. Bruchhausen: I object to all this.

The Court: How is this material?

Mr. Covington: May I explain?

The Court: Yes.

Mr. Covington: The only purpose in this is to show that Mr. Moyle was widely known.

Mr. Bruchhausen: We admit that he was widely known.

The Court: You have had testimony on that before.

Mr. Covington: Then I will not proceed with the matter further.

Q. On or about August 15, 1939, did you write



a letter addressed to Mr. O. R. Moyle? A. I did.

Mr. Covington: Do you have the original of that, please?

Mr. Bruchhausen: I don't know. It may be here.

Mr. Covington: I have a copy, but I would prefer to have the original.

The Court: Use the copy now. Show it to Mr. Bruchhausen, to save time.

(Mr. Covington shows paper to Mr. Bruchhausen.)

Mr. Bruchhausen: I know the letter, but I object to it because it is a self-serving declaration. I have no objection to the witness testifying to what he did.

The Court: He wrote a letter, he has conceded.

Mr. Covington: I think it is material because there have been some charges made in other letters that are now in evidence concerning this thing, your Honor, and it is introduced for that purpose.

Mr. Bruchhausen: I object to what he wrote in the letter. I have no objection to his testifying to what he did. I do not see the original. I haven't a copy of it.

The Court: Is this the last thing you have to ask him about?

Mr. Covington: It is almost the last.

The Court: Then I won't rule on this. It is a lengthy letter. I shall read it overnight myself.

Mr. Covington: Would you like to have



this also (handing paper to the Court)? This is another letter I want to offer.

Mr. Bruchhausen: Here is the original (handing to Mr. Covington).

Mr. Covington: This letter has been referred to in many other letters that Mr. Moyle has written which are now in evidence.

The Court: I will read them tonight. Is this all you have to ask him about? I do not want to make the jury wait while I read these.

Mr. Covington: The letter signed by Mr. Moyle in response to that letter requests Mr. Woodworth to publish it in the "Consolation."

The Court: I will read them both overnight. Your cross-examination of this witness, Mr. Bruchhausen, I take it, will take some time?

Mr. Bruchhausen: I think it will.

The Court: All right. We shall adjourn now until 9:30 tomorrow morning.

(Whereupon, the trial was adjourned to Friday, May 21, 1943, at 9:30 o'clock a.m.)



Friday, May 21, 1943,
9:30 o'clock a.m.

(TRIAL RESUMED.)

CLAYTON J. WOODWORTH, resumed the stand and testified further as follows:

*Direct examination (Continued) by Mr. Covington:*

Mr. Covington: The defendants now offer in evidence the two letters identified.

The Court: Have you seen both letters?

Mr. Bruchhausen: I don't know whether I have.

The Court: Well, you have seen one, anyway, I know.

Mr. Bruchhausen: I have no objection to Mr. Moyle's letter, but I have to the letter written by the witness to Mr. Moyle on the ground that it is a self-serving declaration.

The Court: The objection is sustained. We will mark both letters for identification. Exception to the defendants.

Mr. Covington: There is no need of offering the letter in reply if the other will be excluded.

The Court: Suppose we mark them both for identification and give you an exception to the exclusion of the first one.

(The letters were marked respectively Defendants' Exhibits D-31 and D-32 for Identification.)

The Court: I agree with you that the second one means nothing without the first.

Q. During the years that you were acquainted with Mr. Moyle at Bethel did you ever hear him make any complaint regarding any of the conditions there at Bethel? A. I did not.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. I think that you said that you recalled the incident which is referred to by Mr. Moyle in his letter, arising out of your letter to Mr. Rutherford in connection with the use of the present day calendar. You recall that incident, don't you?

The Court: You told us about it yesterday.

A. Yes, I do.

Q. You had written this letter privately to Mr. Rutherford? A. I wrote him the letter.

Q. Did you mail it to him?

The Court: How did you see that it reached Mr. Rutherford?

The Witness: It was delivered through the usual service; George Jones handled the mail.

Q. You saw Mr. Rutherford in and around Bethel constantly, didn't you? A. Yes, sir.

Q. And as you say you have been friendly with him for a great many years? A. Yes, sir.

Q. And at the time you wrote this letter to



him you lived in the same building, didn't you? A. Yes, sir.

The Court: I can shorten this up. Was the way you directed your letter to Mr. Rutherford the usual way of sending communications?

The Witness: That was my usual way.

The Court: Was that the usual way adopted by the Society?

The Witness: It was not an ironclad rule; but that was the practice, to try to save his time and strength as much as possible.

The Court: That was the custom and practice.

Mr. Bruchhausen: I move to strike out, "try to save his strength and time."

The Court: Yes, strike it out.

Q. As Editor of "Consolation," did you have occasion to speak to Mr. Rutherford personally? A. Frequently.

Q. Did you visit his office in Bethel on those occasions? A. Yes, sir.

Q. How often did you visit him? A. Perhaps once a month or once in two months.

Q. But you did visit him whenever the necessity arose? A. Yes, sir.

Q. And did you make an appointment beforehand? A. Sometimes.

Q. Did he have regular office hours there? A. Yes.

The Court: Confine yourself up until August 8, 1939, in all of these questions that are being asked. They are confined up until that day.



Q. Well, at any rate, Mr. Rutherford did announce in the open meeting at Bethel that he received a letter from you? A. Yes, sir.

The Court: He received a letter. He didn't mention your name?

The Witness: He received a letter.

Q. That was the first acknowledgment he made either to you or to the members of Bethel Family that he had received a letter from you? A. Yes, that is correct.

Q. That is, he didn't write a letter in reply to you? A. No.

Q. Or call you on the telephone? A. No.

The Court: Did he have your letter read publicly at Bethel?

The Witness: Yes, sir, he said he had received a letter.

The Court: And he would have it read to the congregation?

The Witness: Yes, and ask their opinion.

Q. Did you say that somebody was called a jackass on that occasion? A. I said that I called myself one.

Q. Have you ever called yourself a jackass before? A. I think so.

Q. How often? A. As circumstances seemed to suggest.

Q. Does that occur very often? A. Quite often.

Q. Did it occur many times with Mr. Rutherford? A. I didn't understand that question.

Q. Did it occur many times in the presence of Mr. Rutherford? A. I don't know that it ever occurred previously in his presence.



Q. You had a great admiration for Mr. Rutherford? A. I did.

Q. So much so that you sort of idolized him? A. No.

Q. But at least you would accept any statement that he made without dissent? A. No.

The Court: He said he loved him like a brother. Wasn't that the way you put it?

The Witness: That is correct.

Q. When was the last time that you dissented with him, other than on this occasion with the letter?

Mr. Covington: That assumes a matter not in evidence. It assumes that he dissented from him.

The Court: Strike out the question and we will reframe it.

Q. When was the last time that you had occasion to dissent against Mr. Rutherford, prior to this occasion, of the reading of your letter in Bethel? A. I don't believe I understand that question.

The Court: When did you disagree with Mr. Rutherford, if ever, before the occasion of this letter that you have told us about?

The Witness: That would be a pretty hard question for me to answer. I don't see how I can answer it.

The Court: Did you ever have any disagreement with Mr. Rutherford?



The Witness: Occasionally I would see something different from what he did.

Q. So that on this occasion—

The Court: Would that be with the magazine, "Consolation"?

The Witness: Yes.

Q. After Mr. Rutherford read this letter of yours and made his comments did you express any dissent at all? A. He did not express his comment until after I expressed mine.

Q. And then after he expressed his did you express any dissent? A. I did not.

The Court: The witness has testified that he, the witness, spoke up before Mr. Rutherford spoke up.

The Witness: Yes, sir, as one of those—

The Court: You asked permission to have the floor. You got permission from Mr. Rutherford, and you got up and said what you told us yesterday.

The Witness: That is correct.

The Court: And after that Mr. Rutherford summed up.

The Witness: Yes, sir.

Q. Well, the first thing that occurred, Mr. Rutherford read the letter, is that it? A. He had it read.

Q. Mr. Rutherford didn't attend meals in the evening in Bethel, did he? A. Sometimes.

Q. Not always? A. Not always.

Q. He ate up in his private dining room on the seventh floor? A. I suppose so.



Q. Don't you know? A. No.

Q. Do you know that he ever ate up there? A. I do not know.

The Court: You never ate there with him?

The Witness: No.

The Court: You assumed that he was eating there.

Q. Was he in the building on many of the occasions at mealtime? A. Probably so.

Q. Do you know whether or not he was in the building at any time when meals were served in the evening? A. I could not tell.

Q. You were in the building, weren't you? A. Yes, sir.

Q. And you had an elevator that went up to the seventh floor throughout the building? A. Yes, sir.

Q. A self-service elevator? A. Yes, sir.

Q. And you know, do you not, that invariably when Mr. Rutherford went out of town or was out of town the announcement would be made by telephone that he was on his way back, isn't that so? A. I don't know that.

Q. And that the elevator would be held and no one could use it until he entered the building and used the elevator? A. That is all news to me.

Q. And that sometime the elevator was held as long as half an hour and the other people had to walk up in the building?

Mr. Covington: This is entirely immaterial.

The Court: It is improper. The witness says he does not know.

Q. What is the circulation of the "Consolation" magazine? A. Something over 12 million copies last year.

Q. And you were the Editor of that magazine? A. Yes, sir.

Q. By the way, your wife did not live at Bethel, did she? A. No.

Q. And your daughter? A. Well, my daughter is 50 years of age.

The Court: He asked you a very simple question.

The Witness: No.

Q. Your daughter is over 21, you say? A. Yes.

Q. She was interested in the Pastoral Bible Society, wasn't she? A. Yes, sir.

Q. And still is? A. So far as I know.

Q. Do you recall writing at any time in reference to Mr. Moyle's letter or making any comments—

Mr. Covington: Just a minute. Let us show the witness what you have reference to.

The Court: He may ask him if he recalls writing the letter.

Mr. Bruchhausen: I am going to ask him about items in this letter on the ground that they are admissions, and I still object to the admission of the whole letter.

The Court: Are you talking about the letter that was not admitted in evidence?



Mr. Bruchhausen: Yes.

The Court: Let him see a copy of it.

Q. Will you show this paper to the witness.

The Court: Do you recall that letter?

The Witness: Yes, I do.

Q. So you say that you didn't want to indicate by that that Mr. Rutherford was entitled to better accommodations? A. Certainly not.

Q. Then you do admit, do you not, that Mr. Rutherford did administer rebukes? A. Yes, sir.

Q. And you know, Mr. Woodworth, that he did administer rebukes to you, don't you? A. "What son is he whom the father chasteneth not?"

The Court: He didn't ask you that. Answer the question.

The Witness: Occasionally.

Q. And he was dissatisfied at times with things that you did, wasn't he? A. Any executive has a right to make suggestions or corrections to those that were engaged with him in the same enterprise. But he always treated me kindly.

Q. All those corrections were made out in the open meeting at Bethel? A. Not at all.

Q. How many of them were? A. Some of them.

Q. How many? A. I cannot answer that. I don't know. I suppose maybe three or four, possibly more.

Q. And you heard— A. In the twenty odd years that I worked there.

Q. You heard similar corrections being administered to others? A. I occasionally heard him as the head of the Home administer reproofs or



reprimands that seemed to be important and suitable.

Q. And all those reprimands were right out in the open meeting at Bethel with the Family of 200 or more sitting around? A. I cannot say that.

Q. All that you now are referring to occurred there? A. All that I heard were, of course, in the dining room. I couldn't hear reproofs that he administered to persons in his private office.

Q. Do you know of any reproofs administered in the private office? A. Surely.

Q. So there were probably reproofs in the private office and in the open meetings both? A. Of course.

Q. Was there any difference between what reproofs were administered in the private office and those in the open meeting? A. Certainly.

Q. Would a reproof be administered in the open meeting where it was preceded by a letter written by a complainant? A. I judge that you are referring to the calendar incident? Am I correct in that?

Q. One of the incidents is your letter. A. That happened that time.

Q. Had you written any other letters to him other than that letter? A. You mean that were brought up at the table?

Q. Yes. A. I don't recall ever having done so.

Q. Was there any reason why you wrote a letter rather than to go in and see him? A. Yes.

Q. Couldn't you have just as well gone in and told him about these things? A. I could have done it but I endeavored to explain why I didn't do it. I tried to save his time and strength as



much as I could and thought the best way to do was to communicate with memorandums.

Q. Weren't you afraid that you would be bawled out if you went in there? A. Not the least.

Q. You did fear him, didn't you? A. No, I did not.

Q. You never published Mr. Moyle's letter in "Consolation," did you? A. No.

Q. And you were familiar with the distribution of the "Watch Tower," weren't you, during the year 1939? A. I know something about it.

Q. And you know, do you not, that "Watch Tower" magazines were sent to other than Jehovah's Witnesses? A. Were sent to the subscribers.

Q. That is, anybody that paid a dollar would get a copy of the "Watch Tower"? A. Yes, sir.

Q. And there were a great many of those who weren't subscribers? A. Not to my knowledge.

Q. There are a great many non-Jehovah's Witnesses who were subscribers to the magazine?

Mr. Covington: He said not to his knowledge, and it is objectionable as argument.

The Court: Objection sustained.

Q. You know at least there were some who were not Jehovah's Witnesses that got the "Watch Tower"?

Mr. Covington: Same objection.

The Court: Do you know whether



anybody besides Jehovah's Witnesses got copies of the "Watch Tower"?

A. I don't know.

Q. Do you remember the Salter incident in 1937 or about that time?

Mr. Covington: That is going into all the instances of everybody that has ever been connected with the "Watch Tower" and it will take us many years to get through with this case. It is entirely immaterial.

The Court: Do you remember the incident?

The Witness: I didn't hear the name.

The Court: Salter. If you don't, tell us you don't.

The Witness: I don't know what particular incident the gentleman refers to.

The Court: Then you don't remember any special incident.

Q. You know Mr. Salter was out—

Mr. Covington: That again is entirely immaterial. If we are going to take up the case of everybody that has been connected with the Watch Tower it is going to enlarge the field of inquiry tremendously.

The Court: If you have an objection, make it.

Mr. Covington: That is my objection, that it is entirely immaterial.

The Court: Objection overruled. He says he remembers—

The Witness: Yes.



Q. Do you know Mr. Ladwick was ousted too, don't you? A. Never remember hearing the man's name.

Q. Weren't you there in 1930? A. Yes.

Q. Did you know Norman Woodworth? A. Yes, sir.

Q. Did you know that he was ousted? A. No.

Q. Do you know that he didn't remain at Bethel? A. I know that he is out.

The Court: Is he any relation of yours?

The Witness: None at all.

The Court: Same name?

The Witness: Yes, sir, happens to be.

Q. Have you any other occupation other than being attached to the "Watch Tower"? A. None.

Q. Are you a native of Scranton? A. No.

Q. Lived there a great many years? A. 49 years.

Q. Did you ever hear any foul language there?

Mr. Covington: Where?

Mr. Bruchhausen: In Scranton.

Mr. Covington: That is altogether immaterial.

The Court: Objection sustained. You say you stay at Scranton approximately half the year?

The Witness: Yes, sir.

The Court: And the other time you spend at Bethel?

The Witness: Two weeks on and two weeks off, usually.

Q. You used to talk to the boys coming from the factory at night at Bethel? A. No.

Q. Never talked to any of them? A. I am rather quiet in my—

The Court: Did you ever talk to them?

The Witness: Yes, I talked with them, some.

Q. Did you gather together in the reception room or any similar reception room at night? A. No, — Yes, usually.

Q. Directly after dinner? A. Usually.

Q. And stayed there? A. Usually.

Q. And that was your regular practice day in and day out? A. I attended several of the meetings that were held in the Bethel, but I should like to explain that my eyes are sensitive and many a time hour after hour I stood in my room in the dark to rest my eyes. I have done that for years and had to do it.

Q. Did you ever rest downstairs, outside of your room? Did you ever sit down and rest in any of the other rooms? A. I sometimes go down to the radio station and sit outside in the lobby and listen to the music and lectures. I do that usually about one night in the week.

Q. Do you want us to understand that all times at Bethel the only participation you had in the work that went on was prayers and Scriptures? A. I don't understand that question.

Q. Was there any conversation, any words that you heard or uttered other than Scriptures and material from the "Watch Tower"? A. The Bethel Home I believe to be the finest Christian Institution in the world.



The Court: You have told us that. If you don't understand the question say so. Say you don't understand it, please.

The Witness: I do not understand the question.

The Court: Please do not volunteer. You will delay yourself and everybody else.

The Witness: I beg your pardon.

Q. Have you told us that Mr. Rutherford displayed a fatherly attitude towards the people at Bethel? A. Yes, sir.

Q. And did you hear that expression, "fatherly attitude," in conference down at Bethel, between the other directors and the attorneys?

Mr. Covington: That assumes a matter that has not been testified to.

The Court: Objection sustained.

Q. Did you ever attend any conference down there or meetings with the directors, in connection with this impending trial? A. No.

Q. Did you ever talk to any director down there about the trial? A. Yes.

The Court: Who were they?

The Witness: Going from here down to the Bethel where we have been getting our lunch, I walked down once with F. W. Franz, and at another time, M. A. Howlett, and we talked of the progress of the case in the court on those occasions.

Q. Did you ever talk to the attorney down at Bethel? A. I did.

Q. Were the other directors present? A. No.



Q. And you never in all the time down at Bethel have talked to any of the other defendants-directors in this case about the case? A. No.

Q. And they all live down there? A. Yes.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Did you ever advise Mr. Moyle that you were going to publicly publish the letter that you had written to him? A. No.

Mr. Covington: At this time the defendants move to introduce Exhibit D-31 for Identification which has been used by counsel for the plaintiff in cross-examination of the witness on the ground that the statements not referred to in the letter are now admissible and relevant to corroborate the other testimony given by the witness on direct examination. Counsel therefore has opened up the way and made it admissible.

The Court: The motion is denied. There are too many things in the letter that are objectionable. You may question him about anything that is proper in the letter yourself, but there are too many things that are improper in the letter to be shown in full to the jury.

(Colloquy off the record.)

The Court: There are certain portions in this letter I should think I would want the jury to know about, and instead of going through the letter I think we might agree.



Mr. Covington: I have no objection to facts. I don't want the gentleman's opinion on them.

The Court: There is one statement I [illegible] words of his letter.

Mr. Covington: Can't we get together at noontime.

The Court: We will do that. We ought to be able to agree amongst us. Suppose we strike out all of this testimony now.

*oss-examination by Mr. Bruchhausen:*

Mr. Van Amburgh was the Secretary and [illegible] many years, was he not? A. Yes, sir.

And even back as far as and prior to 1918? [illegible]

The Court: Isn't Mr. Van Amburgh going to testify?

Mr. Covington: Yes, and he is here.

The Court: Then why go into that?

Do you subscribe to the doctrine that Mr. [illegible] erford is still supervising this organization? [illegible] that Mr. Rutherford is still supervising this [illegible] nization?

Yes. May I just supplement that and ask if you agree with this doctrine as put forth [illegible] e Society, and correct me if I misstate it, [illegible] the resurrection. A. I believe that Mr. [illegible] erford has been resurrected, but as far as having control over the Watch Tower Bible [illegible] act Society, that would be silly.

The Court: You believe Jehovah God has control?

The Witness: Yes, sir.



Q. So that as resurrected you do not then contend that he has any influence over this Society? You don't subscribe to that? A. No, I don't.

Q. But you subscribe to the opinion that it is [illegible] A. Yes, sir.

Q: And that whoever happens to be the President of it is God's servant carrying on the activities? A. That God can make use of such a servant to his praise.

Mr. Bruchhausen: No further questions.

(Witness excused.)

COLIN DALE QUACKENBUSH, residing at 124 Columbia Heights, Brooklyn, a witness called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Quackenbush, how long have you been a member of the Bethel Family? A. Seven years.

Q. And before you became a member of the Bethel Family, were you one of Jehovah's Witnesses? A. Yes, sir.

Q. Where did you live? A. Burbank, California.

Q. And is your brother also a member of the Bethel Family? A. That is correct.

Q. Did you both come to the Bethel at the same time? A. Yes, sir.

Q. Do you recall the instance of the Madison Square Garden matter, the speech entitled "Gov-



ernment and Peace" delivered by Judge Rutherford, on Sunday, June 25, 1939? A. Yes, sir.

Q. Were you present on that occasion? A. I was.

Q. [illegible] thing to do with the usher arrangements? A. Yes, sir, I was.

The Court: You were an usher?

The Witness: Yes, sir.

Q. You were Captain of a group of ushers? A. I was Captain of a group of about 50.

Q. And where were your group of ushers stationed in the auditorium? A. In the top balcony, behind the speakers' stand where the disturbance broke out.

Q. And at the beginning of the lecture that section was vacant, was it not? A. Yes, sir.

Q. And after the lecture was going on a great crowd came in and filled it up, is that correct? A. That is right.

Q. Was it in that section that the disturbance occurred, actually occurred? A. Yes, sir.

Q. Where was that section situated with reference to the speakers' platform? A. Directly behind the speakers' platform and above it.

Q. Was it the top balcony in the back? A. Yes, sir.

Q. You recall the instance of the disturbance, do you not? A. Yes, sir.

Q. Tell us just briefly what happened? A. I believe at about 25 minutes after the lecture had been going, something like that, the lights dimmed and immediately thereafter the booing and shouting began and the disturbance broke

out generally in that section where all these newcomers had filled in after the start of the talk itself.

Q. Did they throw any objects at the speakers' stand and resist the ushers in quelling the disturbance? A. Yes, they did.

Q. Do you know a man by the name of McDonald, an attorney by the name of McDonald, that participated in the examination on July 11, 1939, at the Magistrates Court? A. Yes, sir.

Q. You were there that day, were you not? A. Yes, sir.

Q. And prior to that date had you seen Mr. McDonald? A. I saw him, I believe it was, one week previous when we were at the Magistrates Court to settle the date for this preliminary hearing.

Q. And prior to that—

Mr. Bruchhausen: May I object to any testimony about Mr. McDonald at Madison Square? I do not believe that it is an issue in this case? It is an issue as to what transpired at the court.

The Court: The objection is overruled. Exception to the plaintiff.

Q. At the Madison Square Garden did you see Mr. McDonald? A. Yes, sir.

Q. Was he one of the disturbers?

The Court: Where was he and tell us the circumstances under which you saw him.

A. At the immediate outbreak of the disturbance I was standing in the back aisleway. I went down in the seat sections, and saw the man I later learned to be McDonald seated there booing loudly and taking a leading part in the disturbance.



The Court: Well, the leading part is your own interpretation. Tell us exactly what you saw him do, that is all.

The Witness: He stood out from the others by his loud booing and shouting.

The Court: Please! I asked you to tell exactly what you saw him do.

Q. Did you approach him? A. I did.

Q. And did you ask him to leave? A. I asked him to leave. He was disturbing the meeting.

Q. And did you ask to discontinue? A. Yes, sir, I did.

The Court: His loud booing.

The Witness: Yes, sir.

Q. Did you have to put him out of the auditorium? A. Yes, sir, I did. I turned him over to the Police.

The Court: Not did you have to but did you put him out.

The Witness: Yes, sir.

Q. Did you turn him over to the Police? A. Yes, sir.

Q. After you had seen Mr. McDonald at the first hearing at the Magistrates Court did you have any conversation with Mr. Moyle in reference to the man that you saw there and known to be Mr. McDonald? A. Yes, sir.

The Court: Tell us the conversation.

Mr. Bruchhausen: When is this?



The Court: After he saw McDonald at the first Magistrates Court hearing.

Mr. Covington: Yes.

The Witness: As we left—

The Court: Tell us the conversation.

The Witness: I told Mr. Moyle that this man McDonald was the first one that I had put out and turned over to the Police in the disturbance, and that he was in the group of disturbers that came in.

The Court: What did Mr. Moyle say to you, if anything?

The Witness: He said, "Is that so?" That is all the comment he made.

The Court: That is the substance of the conversation as you remember it to date?

The Witness: Yes, sir.

Q. At a later date, on any other occasion, on the date of July 11, 1939, at the hearing in the Magistrates Court did you have a conversation with Mr. Moyle in reference to Mr. McDonald? A. Yes, sir.

The Court: Now give us the conversation.

The Witness: I told him that I was positive that McDonald was the one and repeated in substance the statement I made on the first occasion.

Q. Did he say anything to that?

The Court: Moyle said what?

The Witness: He said it wasn't important.



Q. You, of course, attended the Bethel Home at mealtimes, did you not, during the days and weeks following the Madison Square Garden matter? Did you not? A. Yes, sir.

Q. You heard the table discussions concerning the same, did you not? A. Yes, sir.

Q. Did you ever hear any of the boys get a table trimming for what happened at Madison Square Garden? A. No, sir.

Q. Was the matter of the conduct of the ushers in the section above the speakers' stand one of concern throughout the entire family during that time? A. It was.

Q. Was it discussed at the table by members of the Family other than Judge Rutherford? A. Yes, sir.

Q. Did you feel that the job that had been done there by you in the ushers' section was proper?

Mr. Bruchhausen: I object to his feelings.

The Court: Sustained.

Q. Was there any discussion—

Mr. Covington: I withdraw it. That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. Are you a Minister? A. Yes, sir.

Q. And how long have you been a Minister? A. I was Ordained by the Society in 1936, October.

Q. And did you get a certificate? A. Yes, sir.

Q. From whom? A. From the Society.

Q. Who was it signed by? A. Mr. Wise.



Q. And what divinity school did you go to? A. I did not attend any seminary or divinity school.

Q. How old are you? A. 28.

Q. And when did you first become interested in the Society? A. I knew of the work all my life. I began to study it particularly in the year 1931.

Q. Did you come in by way of the radio? A. No, sir.

Q. By way of a meeting? A. Not at first.

The Court: Tell us how first got interested.

A. My parents knew the truth concerning the Watch Tower all their lives, and the publications were in the house, and I started reading and studying the publications and then attended the meetings.

Q. You started to take up your residence at Bethel in 1937?

The Court: 1936.

A. 1936.

Q. And what has your occupation been while at Bethel, since 1936? A. As a Minister.

Q. Where? A. In the territory around Brooklyn and also sent out on week-ends to various congregations through the Eastern States.

Q. You mean you attended these meetings, the zone meetings or area meetings?

The Court: Company meetings, is that what you call them?

The Witness: Yes, sir, I do. I serve those meetings by speaking.



Q. And you go out and sell books and literature? A. I don't sell any books.

Q. You give them away? A. Many I do give away.

Q. And you get any contributions? A. I do.

Q. What do you do with the money? A. I contribute it to the Society.

Q. And are you on the $10 a month plan there? A. Yes, sir.

Q. And you get your disbursements, traveling expenses? A. Yes, sir.

Q. Did you have a cane there, in Madison Square Garden? A. Yes, sir.

Q. Did you use the cane on McDonald? A. I tapped him with it to draw his attention to me. I did not strike him.

The Court: Did you use the cane on him? If you don't understand—

Mr. Covington: The word "use" is quite a big term.

The Court: If he doesn't understand the question let him tell us that he doesn't.

Q. What did you do with the cane besides walking with it? A. The only use I made of it, aside from that, was to tap McDonald lightly to draw his attention, because his head was turned from me and he was booing.

The Court: Where did you tap him?

The Witness: On the neck.

Q. And what did McDonald do when you tapped him on his neck? A. He shouted at me and said he was going to have me arrested.

Q. Did he do any tapping himself? A. No, sir.

The Court: What kind of a cane was it?

The Witness: It was a light walking stick.

The Court: What kind? What wood, or describe it. How long was it?

The Witness: It was a light wood. I don't know the exact wood that it was. It was a cheap cane.

The Court: Solid cheap wood cane.

The Witness: That is correct.

Q. To reach his neck with the cane you swung it right over your head, is that right? A. No. He was seated in quite a ways in the section of seats, and from the aisle. I leaned across and had to reach with the cane to tap him and get his attention. That is the only way I could draw his attention from the aisle.

The Court: Will you please answer the question without volunteering.

Q. Did you tap him while he was seated? A. Yes, sir.

Q. And were you in back of him? A. At his side.

Q. So you hit him from the side?

The Court: Objection sustained. He said he tapped him, not hit him.

Q. What did he do? I want that again, after you tapped him.

The Court: What did McDonald do?

The Witness: He threatened to have me arrested.



Q. Did he tap you at all? A. No, sir.

Q. Did you make any complaint against him anywhere that he was disturbing the peace or using any violence? A. Yes, sir.

Q. Where did you make your complaint? A. To the police that I turned him over to.

Q. Did you ask that he be arrested? A. No, sir.

The Court: How did you take him outside?

The Witness: When he threatened to have been arrested.

The Court: How did you take him outside?

The Witness: Just led him by the arm.

The Court: And he came voluntarily?

The Witness: He came voluntarily.

The Court: And his name is McDonald.

Q. How large a man was Mr. McDonald? A. About my height, quite a bit heavier.

Q. Did he have anyone else associated with him? A. Yes.

Q. Were they nearby when you took him outside of the Garden? A. Yes, sir.

Q. And did they do anything? A. About eight or ten went out with us in the group.

The Court: And they all followed?

The Witness: Yes, sir.

The Court: Did they come in a straight line?

The Witness: They all got around me.

Q. Was there any tapping back and forth on the way out? A. No, sir.



Q. So nobody touched anybody else in this group on the way out? A. No, sir.

Q. It was all orderly as far as that was concerned? A. So far as any physical force was concerned, yes.

Q. So you made no complaint at the Magistrates Court against Mr. McDonald? A. No, sir.

Q. You didn't ask the Clerk of the Magistrates Court to entertain any complaint about him, did you? A. No, sir.

Q. Did you see Mr. Rutherford after this occasion at the Garden? A. No, sir.

Q. Did you see him at any meals? A. Yes, sir.

Q. Did you talk to him about this? A. Not up to that time.

Q. I am asking you whether after this incident with McDonald at the Garden, whether you talked to Mr. Rutherford. A. Later, yes.

The Court: When?

The Witness: Well, it was a few weeks after the preliminary hearing, possibly a week after.

The Court: You had a talk with Mr. Rutherford?

The Witness: Yes, sir.

Q. How long after the incident at the Garden did you first appear at the Magistrates Court? A. Well, the Garden—less than three weeks, I guess.

Q. Did you talk to Mr. Rutherford during that three weeks? A. No, sir.

The Court: After the preliminary hearing at the Magistrates Court?

The Witness: That is correct.



Q. But you saw Mr. Rutherford at Bethel almost daily during that time? A. At the table, yes, sir.

Q. Did you tell Mr. Rutherford about this incident with McDonald? A. No, sir.

Q. Did you tell any of the directors about this incident with Mr. McDonald? A. I don't recall.

Q. When did you first tell anybody about the incident with McDonald? A. Orally, it was at the time that the date was set for the preliminary hearing.

Q. Who did you tell then? A. Mr. Moyle.

Q. Was Mr. Wheeless there? A. I believe he was.

Q. Well, you knew that Mr. Wheeless was trying the case, didn't you? A. I didn't know.

The Court: At that time, but you knew later?

Q. At that time. A. I understood Mr. Moyle was handling it.

Q. Who questioned the witnesses at the hearing? A. I believe both Wheeless and Moyle did.

Q. Were you here in court when counsel referred to the stenographer's minutes of an examination by Mr. Wheeless?

Mr. Covington: That is argumentative.

The Court: The objection is sustained.

Q. Will you tell this Court and jury whether or not Mr. Wheeless examined witnesses in that proceeding. A. I am not positive.



The Court: Are you positive that Mr. Moyle did?

The Witness: Yes, sir.

Q. When did you first see Mr. Wheeless? A. I don't recall.

Q. But you did see him in court? A. Yes, sir.

Q. How many times were you in court, in the Magistrates Court? A. Twice.

Q. And at which time do you say you spoke to Mr. Moyle about this incident with McDonald? A. On both occasions.

Q. And this time that you spoke to him was three weeks after the incident, or approximately three weeks after the incident, is that correct?

The Court: To the best of your recollection.

The Witness: Yes, concerning McDonald's identity.

Q. That is, the first time after the incident in the Garden that you mentioned McDonald to anybody, was at the Magistrates Court on that occasion? A. By name, yes.

The Court: What you want to tell us is, you didn't know his name until you got to the Magistrates Court?

The Witness: That is correct. I had spoken about the incident before, involving him.

Q. Did you mention the incident to anybody? A. Yes, sir.

Q. To whom? A. I made a written report of the disturbance and turned that in.



Q. Who did you give the report to? A. To Judge Rutherford.

Q. And you gave the details to him about this incident? A. Yes, sir.

Q. When did you give that to him? A. Following the disturbance in the Garden.

The Court: A day or two afterwards?

The Witness: That is correct.

Q. How long afterwards? You say a day or two afterwards. A. I don't recall the exact length of time.

The Court: Your best recollection is that it was shortly afterwards, a day or two or three or four afterwards?

The Witness: Yes, sir.

The Court: How many feet in from the aisle was McDonald sitting, three or four or five?

The Witness: More than that. It must have been close to a dozen.

The Court: And you tapped him on the neck with your cane?

The Witness: I could just reach him with the tip of the cane.

The Court: And said, "Come on out," and he came out?

The Witness: Yes, sir. He wanted to have me arrested and we both wanted the Police.

The Court: You took him by the arm and you walked him out of the place?

The Witness: He came out, and when he got out, I took him by the arm and we walked out.

Q. Mr. McDonald was very orderly in going out, wasn't he? A. He didn't say anything that I recall as he left.

The Court: Then he was orderly. Answer the question.

The Witness: Yes, sir.

Q. And he was orderly in the Garden? A. Absolutely not.

Q. He was sitting down. A. And he was booing as loud as he could, but he was sitting down.

The Court: Outside of the booing was he doing anything else?

The Witness: Not that I recall.

The Court: You recall him booing?

The Witness: Yes, sir.

The Court: Did you see him doing anything else?

The Witness: No.

The Court: Then don't say, not that you can recall.

Q. Your only criticism about McDonald was that he was booing? A. Yes, sir, loudly.

Q. Did you ever attend a political campaign meeting? A. No, sir.

Q. Have you ever heard any booing in any other places?

Mr. Covington: This is altogether argumentative and immaterial.

The Court: Sustained.

Q. You say that everything was serene around Bethel after this Madison Square Garden incident, is that correct? A. No, sir.



Q. What was not serene there? A. I stated that it was a matter of very serious conversation and there was discussion of the disturbance at the Garden.

Q. And did Mr. Rutherford participate in it? A. Yes, sir.

Q. And was he very dispassionate about it in the discussion? A. He was concerned and perturbed.

Q. Not excited, though?

The Court: How was his tone of voice?

The Witness: Conversational.

Q. And he was the speaker at this occasion, wasn't he? A. Yes, sir.

Q. And they booed at him, didn't they, while he was speaking? A. Yes, sir.

Q. Did he mention that he had heard the booing? A. Yes, sir.

Q. Did he say it was all right, "Very proper for them to boo me, they could express their own opinions about me"? A. He didn't say that.

Q. Did he say he objected to it?

Mr. Covington: This is argumentative.

The Court: Objection sustained. Let us hear what he said, if you want to ask the question.

Q. What did Mr. Rutherford say about it? A. I don't recall specific words.

Q. What is the substance that you recall? We know you can only tell us what you do recall. A. That it was a very serious consideration, that all the duties of the ushers had not been performed according to the instructions, and that



they must be alert in these cases to safeguard the Kingdom interests.

The Court: Did he refer to the ushers or call them sissies?

The Witness: No, sir.

The Court: He did not use the word "sissies"?

The Witness: He used the word "sissies."

The Court: What did he say?

The Witness: He spoke of the religionists, referring to Christ Jesus or picturing him as effuminate, and as sissies, and that a Christian does not need to be a sissy, but they should acquit themselves like men.

Q. Did you hear yourself called sissy? A. No, sir.

Q. Didn't you just say that the Judge mentioned sissies? A. I said—

The Court: He used the word sissy.

Q. Didn't you take it that you were being called a sissy? A. Absolutely not.

Q. Who did you think the Judge referred to when he mentioned the word sissies? A. No one in the Family.

Q. Who outside of the Family? A. It was a comparison of the religionist's conception of Christ Jesus, and the mistaken opinion by some that a Christian must act and allow himself to be walked over all the time.

The Court: His inference was that the



ushers permitted themselves to be walked over?

The Witness: No, but he was pointing out the necessity for them to acquit themselves like men and there was no inference made that they were not.

The Court: He didn't suggest that you tap them a little harder on the neck the next time, did he?

The Witness: No, sir.

Q. Do you want this Court and jury to gather that the Judge was praising you for what you did? A. No, sir.

The Court: The simile that he used was that you should be more manly?

A. No, sir. It was an admonition as to proper conduct. It was not stated that the ushers there had not conducted themselves in that fashion.

The Court: He admonished you as to the proper conduct, is that right?

The Witness: Merely exercising that.

Q. Did you get the impression that the next time you served as usher you should become tougher? A. No, sir.

Q. Did you read Mr. Moyle's letter? A. I heard it read at the Bethel table.

Q. And you recall these statements: "The ushers were placed in a tough spot but did an excellent piece of work"? You agree with that, don't you? A. I don't agree with the statement. I recall the statement.

The Court: Do you or don't you agree with the statement?



The Witness: They fell down on some precautionary measures that they had been instructed to take care of.

The Court: They hadn't done a good job?

The Witness: They had fallen down—

The Court: Had they done a good job or hadn't they?

The Witness: Not entirely.

The Court: Partially good and partially bad?

The Witness: Yes, sir.

Q. Were you one of the men that fell down? A. Yes, to a certain extent.

Q. To what extent? A. In that we were instructed to permit no one in there with bundles and baggage, without examining and seeing what they contained or else having them checked, and those who did come in had these bundles, and we ushers up there failed to investigate these things beforehand.

Q. Do you agree with this: "They exercised care and diligence in watching arrivals at the Garden and prevented a number of suspicious characters from entering? A. Not altogether.

Q. Did they prevent anyone from entering? A. I wasn't down at the entrances; I don't know.

Q. How many ushers were there in the Garden? A. I don't remember exactly. There must have been several hundred.

Q. And how many people came into the Garden? A. The Garden was practically filled and packed down, during the course of the lecture.

Q. And some of the ushers were at the entrances, were they not? A. That is what I understand.



Q. And did not some of them come out—keep out people who wanted to enter? A. I heard that they had; I wasn't there.

The Court: Then you don't know whether that statement is true or false?

The Witness: That is correct.

Q. Did you see any of the boys— Did all the boys that listened to this statement by Mr. Rutherford accept it without any feeling or emotion expressed by them? They just listened to Mr. Rutherford? A. There was discussion at the tables concerning this matter, but I don't recall any emotion shown by the ones at the table.

Q. Didn't they seem to be upset about the charge that they had not properly performed at the Garden? A. They were not upset, no.

Q. They seemed to be satisfied with the Judge telling them that they hadn't performed properly, is that it? A. Yes, sir.

Q. And made no comment at all? A. Not in objection to that.

Q. And it had no effect upon them emotionally whatsoever? A. No, sir.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Was not the spot where the disturbance occurred the most vulnerable spot in the entire auditorium?

The Court: That calls for a conclusion.

By Mr. Bruchhausen:

witness in behalf
duly sworn, testi-

*Covington:*

ncinnati, is it not?

—

burb. A. No.
? A. It is.

a member of the

irteen years.
ending when? A.
1935.
you have occasion
with Judge Ruther-

reside at the head

thel confined exclu-
other place during
of the family? A.
the first two years

wants to know is
ufined to Brooklyn
some place else.

you at? A. Staten

Q. Did you talk to Mr. Rutherford about defending your testimony in the Magistrates Court? A. No, sir.

Q. You never talked to him at all about what you were going to testify to? A. No, sir.

*Redirect examination by Mr. Covington:*

Q. You had given a statement, had you not?—A. I had.

Q. That was a few days right after the disturbance? A. Yes, sir.

Q. Did the ushers follow instructions in reference to bringing in extra recruits in that neighborhood when it filled up and an adequate number of ushers? A. No, sir.

Q. Were there instructions to have an adequate number of ushers in every area where it was filled? A. Yes, sir.

Q. And were there an adequate number of ushers there?

Mr. Bruchhausen: I object to that as calling for a conclusion. How can he say what is adequate?

The Court: Sustained.

Q. Was the instruction in reference to adequate number of ushers complied with in that area where the disturbance occurred?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. He said he was only in the one portion of the Garden and I don't see how he can testify to what happened everywhere.



Mr. Covington: I am talking about this particular spot.

The Court: As to your spot where you were located. Only what you know of your own knowledge. That spot where you were located, were there enough ushers there in your opinion?

The Witness: No, sir.

*Recross examination by Mr. Bruchhausen:*

Q. Well, that is your opinion, that there weren't enough ushers there? A. Yes, sir.

Q. How many ushers— How many feet apart were the ushers? A. They were stationed three in an aisle, as I recall.

The Court: You don't know then.

Q. Well, if the ushers had been a little more manly, there would have been enough of them, wouldn't there? A. No, sir.

Q. You mean as you increased manliness you need less ushers, don't you?

The Court: I will sustain an objection.

Mr. Bruchhausen: That is all.

(Witness excused.)

Mr. Covington: Victor F. Schmidt.



VICTOR F. SCHMIDT, 8469 Pine Road, Rosamoyne, Ohio, called as of the defendants, being first fied as follows:

*Direct examination by Mr.*

Q. That is a suburb of Ci
A. It isn't a part of the city

By the Court:

Q. He asked you is it a sul
Q. Is it close by Cincinnati

By Mr. Covington:

Q. Have you ever been Bethel Family? A. I have.
Q. For how long? A. Fou
Q. Beginning when and
From June, 1921 to October,
Q. And during that time di
to become well acquainted w
ford? A. Yes, I did.
Q. Did you ever see him
of the table? A. Yes.
Q. Were your duties at Be
sively to Brooklyn or some
the time you were a member
The early part of my stay for
at Brooklyn—

The Court: All he
whether you were co
or whether you went
The Witness: No.

Q. What other place were
Island.



toward the family

for comments dur-
ged and suggested
here at the family
of Bible subjects
e conducive to the
of the Lord's serv-

besides Bible serv-
on those things?

ything at the din-
land or at Bethel,
udies? A. Yes.
A. He would dis-

t. A. Yes.
? A. I would dis-

. Occasionally.
ossibly half a doz-

A. That is right.
running of Bethel
ever criticise the
ning of Staten Is-
for its improve-

ested—
onally.
et us have it. A.



Q. For how long were you at Staten Island? A. Five years.

Q. Were you then a member of the Staten Island division of the Bethel Family during that time? A. I was.

Q. Did you eat at the table there? A. I did.

Q. What duties did you perform at Staten Island? A. The manager of the radio station WBBR, which entailed also announcing—

The Court: You were manager of the station?

The Witness: That is right.

Q. During that time at Staten Island, did you Have occasion to see Judge Rutherford at Staten Island when he came there? A. I did.

Q. Have you seen him conduct himself at the Bethel table at 124 Columbia Heights and also at the Bethel table at Staten Island during those years? A. I did.

Q. Based upon your observation and knowledge and dealings with Judge Rutherford, could you tell the jury whether or not he assumed an arbitrary and dictatorial manner, suppressing free speech while conducting the head of the table? A. Absolutely not.

Q. Tell the jury what was his conduct at the table, in a general way. A. While I was there—

The Court: We do not expect you to tell when you were not there.

A. (Continued) At the morning meal, at the outset, he would first—

The Court: He did not ask you what



he did. He asked you his attitude. Was it fatherly?

The Witness: It absolutely was, yes.

Q. Was it kindly? A. Kindly in every respect.

Q. What provisions or steps, if any, did he take to provide and take care of the needs of the brethren and allow them conveniences? A. Well, he took painstaking care of the preparation of the food. He saw to it that the food raised at the various gardens on Staten Island where I was, that the vegetables and the fruits were not contaminated in any way with any chemicals or poisonous things. He also took special precautions to see that the food and the vegetables and the fruit were properly stored so that they might be presented at the table with a freshness and conducive to the health.

By the Court:

Q. Did you see all this yourself? A. I did. Furthermore, I know during the winter season, while it wasn't possible to have fresh lettuce and vegetables from the Staten Island garden, that fresh vegetables such as carrots and lettuce were received at the home—

Mr. Bruchhausen: If your Honor please, we are not complaining about a poor table there. There is no issue here about that.

By Mr. Covington:

Q. Tell us what his attitude was towards the family. Did you ever hear him upbraid or ridicule the brethren at the table for exercising



comments? A. His attitude was with consideration.

Q. Did he ask for and call ing that time? A. Yes. He u that the brethren who were t participate in the discussion and other things that would enhancement and furtherance ice on the earth.

By the Court:

Q. How about other things ics? Did he invite discussio
A. He invited—

Q. Did you ever discuss an nor table either at Staten Is Brooklyn, outside of Bible st
Q. What did you discuss?
cuss—

Q. You, I am talking abou
Q. What did you say, you cuss world events with him—
Q. At the dinner table?
Q. How many times? A. P en or a dozen times.

Q. In your fourteen years.
Q. Did you ever discuss the in open mealtime, or did you running of Bethel or the run land or make any suggestion ment? A. Did I?

Q. Yes, did you? A. I sug
Q. At mealtime? A. Occasi
Q. What did you suggest,

Relative to the programs, there were suggestions which were made occasionally.

Q. We are not talking about the programs. We are talking about the running of Bethel, Brooklyn, or Bethel, Staten Island. Did you ever criticise anything around the place? A. Not openly at the table.

By Mr. Covington:

Q. Did you ever have occasion to criticise anything at Bethel, the operation of it by Judge Rutherford? A. Only with respect to improvements, and he was amenable and considered them very carefully.

Mr. Bruchhausen: I object to the generalities of these things.

The Court: I will permit him to answer.

Q. During the year 1938—I will ask you now, how long have you known the plaintiff, O. R. Moyle? A. From June, 1935, to—

By the Court:

Q. October, 1935, when you left? A. Yes.

By Mr. Covington:

Q. And after that, did you have occasion to be acquainted with him? A. Yes, I did.

Q. Did you have occasion to do business with him in behalf of the Society? A. That is right.

Q. You are a licensed attorney, are you not? A. I am.

Q. In what state? A. The State of Ohio.

Q. When did you become licensed to practice in that state? A. August, 1937.



Q. Was that after you left Bethel? A. That is right.

Q. And before you came to Bethel, had you undertaken the study of the law? A. Yes, I was about to be admitted to the Bar, and I became interested in the work of the Society.

By the Court:

Q. And sixteen years later, you went back and got admitted to the Bar? A. That is right, after taking a review.

By Mr. Covington:

Q. Had you ever performed any ministerial duties for any religious organization before you became one of Jehovah's Witnesses? A. Yes, I did, for the Campbellite organization.

Q. Where was that church located? A. There were two churches. There was one at Sunrise, Kentucky, and one at Harrison, Ohio.

Q. During the year 1938, after you were admitted to the Bar, did you have occasion to have conversations with Mr. O. R. Moyle in reference to some of the Society's doctrines published in the "Watch Tower"? A. Yes, sir.

Q. When and where was that? Tell us what you said and what he said. A. That was on December 14, 1938, at 835 Hutchins Avenue, Cincinnati, Ohio, and the occasion was—

The Court: He did not ask you that. Next is the conversation. You are a lawyer. Please listen to the question and do not make speeches.

The Witness: Yes.



Q. What took place? A. Early in the morning after breakfast, before going to court, Mr. Moyle in the front room, among other things, stated, "Well, I cannot agree with what the Judge is bringing out in the 'Watch Tower' in his statements relative to filling the earth's—

Q. That is the doctrine that has been described by Mr. Franz? A. That is right.

Q. And what else did he say? A. He said "The Judge will have to answer many questions relative to this. The Judge is wrong." And I replied, "Well, I am sure that you are taking the wrong attitude toward Judge Rutherford, toward Brother Rutherford, and you had better go and straighten yourself out with him, according to the Scriptures."

Q. You told that to me on one occasion that I visited in Cincinnati, is that right? A. I did.

Mr. Covington: I believe that is all.

*Cross-examination by Mr. Bruchhausen:*

Q. When did you first tell this statement to Mr. Covington? A. When did I tell—

The Court: Please. You are a lawyer. Please listen to the question. If you do not hear it, I will have it repeated to you. Also, do not answer a question with a question. First of all, it is bad law, and it is bad form—

The Witness: I request a repetition of it.

The Court: You could not say "Read the question over again"? Please read it.

(The question was repeated by the stenographer as follows:)



"Q. When did you first tell this statement to Mr. Covington?"

The Witness: It must have been about—

The Court: Strike it out. You are a lawyer—

The Witness (continuing): Four or five months ago.

Q. Did Mr. Covington come out there and ask you what you knew about Mr. Moyle? A. He did not come out for that purpose.

Q. But he did on that occasion question you about Mr. Moyle? A. Yes, he did.

Q. In 1938? A. What I knew about him in 1938, that is right.

Q. And that is before Mr. Moyle had ever written a letter to you?

The Court: No, you are mistaken. He said four or five months ago from now.

The Witness: That is right.

Q. That was early this year, is that correct?

The Court: Early this year or late last year?

A. Early this year, yes.

Q. Did you know before Mr. Covington came, that there was a libel suit pending against the Watch Tower organization? A. I believe so, yes, sir.

Q. When did you first learn of the libel suit? A. Shortly theretofore.

Q. How long before? A. I don't know.

Q. How did you learn of it? A. I learned of it through Mr. Covington—



The Court: How did you learn it? Did you get a letter from him, or what?

The Witness: No. We collaborate together, and we discussed the matter that there was a suit existing.

The Court: Then you don't believe so, you know so?

The Witness: Yes, sir, I know so.

Q. Did he show you the pleadings in the case? A. He did not.

Q. Did he tell you what the facts were? A. No.

Q. Did he tell you what he was endeavoring to prove in defense of the case? A. No, sir.

Q. Did he tell you anything about the case? A. To the extent of what he told me, I cannot recall now.

Q. Well, he did tell you something, didn't he? A. He said that there was a libel suit.

Q. And is that all he said, that there was a libel suit and no other details? A. He asked me whether I knew anything about Moyle. I said "Yes." And I said that it pained me very much—

The Court: Never mind that it pained you. You have done it.

Q. He did say that he was trying to get some evidence, didn't he? A. No, sir.

Q. Didn't he ask you what you knew about it? A. When the suit was mentioned, I told him, I volunteered information which may be of benefit to him, yes, sir.

Q. You mean you wanted as far as possible to benefit him, is that it? A. I wanted to benefit



the Society by my knowledge that I had of things relative to the plaintiff in the case, of my personal knowledge, yes.

Q. Did you go out to inquire of anyone else for anything that might be beneficial to the defendants? A. No. I knew that Mr. Moyle had written to me.

The Court: You are a lawyer. Will you read that last question to him, please?

(The question was repeated by the stenographer as follows:)

"Q. Did you go out to inquire of anyone else for anything that might be beneficial to the defendants?"

The Witness: No.

The Court: Now, please, I do not want to admonish you again not to render. You are a little different from the ordinary person. You are a lawyer.

Q. You just made a voluntary statement without me asking you that Mr. Moyle had written to you? A. That is right.

Q. Did you want the Court and jury to get the impression from that that there was something in that statement beneficial to the defendants? A. That wasn't my intention, no.

Q. You know as a lawyer that you should only answer the questions that are asked, don't you? A. That is right.

Q. You know that you constantly tell witnesses not to volunteer information when they are on the witness stand? A. That is right.

Q. And yet you come in to this court as a

member of the Bar and make the voluntary statement that the letter was sent to you?

Mr. Covington: Your Honor, I object. This is argumentation.

The Court: Objection sustained.

Q. When was the letter sent to you that you now refer to? A. The latter part of August, 1939.

Q. Do you know the date? A. On or about August 17th.

Mr. Covington: The letter speaks for itself.

The Court: He has a right to ask him if he knows the date.

Q. Are you positive that you received that letter in August? A. According to my recollection.

Q. Are you positive about it? A. Not positive.

Q. If I told you that that letter was written in September, would that refresh your recollection? A. I don't know as it would.

Q. Have you looked at the letter recently? A. No. I destroyed it.

Q. I show you a copy of a letter and ask you if that is a copy of the original letter which you received and which you have just testified to that you received (handing to witness). A. This is not a copy of the first letter that I received.

Q. Did you receive that letter? A. I received the original of this letter, yes, sir.

Q. How many letters did you receive from Mr. Moyle about that time? A. I think about three. This was the second or third letter.



Mr. Bruchhausen: I offer that letter in evidence.

Mr. Covington: We have no objection.

(The paper referred to was received in evidence and marked Plaintiff's Exhibit 18.)

Q. I show you another letter addressed to you and signed by Mr. Moyle dated January 5, 1940, and ask you if you received that letter (handing to witness).

Mr. Bruchhausen: While I am waiting, may I read this letter to the jury?

The Court: Surely.

(Mr. Bruchhausen reads Plaintiff's Exhibit 18 to the jury.)

Q. Did you say you received this letter of January 5, 1940? A. Yes, sir, that is, the original.

Mr. Bruchausen: I offer the copy in evidence.

Mr. Covington: No objection.

(The paper referred to was received in evidence and marked Plaintiff's Exhibit 19.)

Q. Did you bring to court the originals of those letters? A. I did not.

Q. Do you have an office where you keep files? A. I keep files, but I do not have a public office.

Q. Do you keep correspondence? A. Yes, such as it is worthy to be kept.

Q. Did you tell Mr. Covington when you spoke to him that you got letters from Mr. Moyle? A. Yes.



Q. And did you give him the letters? A. No.

Q. What did you do with the letters?

The Court: He testified he destroyed them—is that right?

The Witness: That is right.

Q. Is that your practice, to destroy letters after you receive them? A. No, sir.

Q. How long after you receive these letters did you destroy them? A. After giving consideration to all of the facts—

The Court: Will you listen to the question?

A. (Continued) About the middle of January, 1940.

Q. Was there any particular reason why you destroyed the letters? A. Yes, there was.

Q. Did you destroy other letters at the time? A. No.

Q. Were they the only letters you destroyed? A. At that particular time, yes.

Q. Did somebody ask you to destroy them? A. No, sir.

Q. Had you talked to anybody from Bethel between the time you received the letters and when Mr. Moyle left Bethel? A. I don't believe that I had. I cannot recall.

Q. Did any of the zone servants in that area talk to you about the case? A. No.

Q. Did you receive any correspondence from the office in Brooklyn to send in any letters or information you had on this case? A. No.

Q. You are sure of that? A. That is right.



Q. You left Bethel to get married, didn't you? A. No, I did not.

Q. Were you married at the time you were in Bethel? A. No.

Q. Are you married now? A. I am.

Q. How long after you left Bethel did you get married? A. Well, it was a short time after I left Bethel.

By the Court:

Q. What do you call a short time? A. Within a week or so.

Q. And you did not leave to get married? A. No, I didn't.

By Mr. Bruchhausen:

Q. You did not know when you left that you were going to get married, did you? A. I hadn't made up my mind conclusively on it.

Q. So your decision came between the time you left Bethel and a week afterwards, is that it? A. Yes.

Q. Was this very sudden?

Mr. Covington: What do you mean, counsel?

Q. This decision was very sudden, was it?

The Court: It was a little faster decision than he makes in answering questions.

Mr. Covington: We take exception to that remark—

The Court: Let the record note that this witness has hesitated on every reply that he has made. Let the record note



that he has taken several seconds to answer every question. Let the record note that he has taken time to read every letter. And now give the defendant an exception to his Honor's remarks.

Mr. Covington: That is right, the comment.

Q. Did you contemplate marriage before you left Bethel? A. I thought about it.

Q. When did you begin to think about it? A. Several months before.

Q. And when did you become engaged? A. I don't know as I became engaged before I left Bethel.

Q. Was there any engagement at all? A. I don't know. I don't recall, sir.

Q. Anyway, you got married? A. That is right.

Q. You know that, don't you? A. Yes.

Q. Where did that occur?

The Court (addressing Mr. Covington): Will you please take out your watch? I want the record to note how long this witness takes to answer each question and the type of question it is, so that the record may completely show that. Now, will you ask him a question?

A. I don't know the exact date, sir.

Q. You don't know the date you were married? A. No, I don't, not now. It was in October, 1935.

Q. Did you ever celebrate any anniversary of it? A. No.

Q. I ask you to look at this letter, Plaintiff's



Exhibit 18, and see if that does not refresh your recollection that that was the first letter you received from Mr. Moyle (handing to witness). A. If that is the first letter?

Q. I am asking you whether that is the first letter that you received from Mr. Moyle. A. According to my recollection, it isn't.

Q. What is your recollection as to the letter or the contents of the letter you say you received? A. The first letter that I received from Mr. Moyle was in his own handwriting, and there was no—the contents of the letter stated that he was leaving Bethel, but there was no reason stated.

Q. Don't you know in this letter, Plaintiff's Exhibit 18, that tells you the circumstances of leaving Bethel? A. That is true.

The Court: That has been read to the jury.

Q. Will you say that he wrote you two letters saying he was leaving? A. The first letter was in his own—yes.

Q. So he told it to you twice— A. That is right.

Q. (Continued): —once in his first letter and once in the letter, Plaintiff's Exhibit 18?

Mr. Covington: I object.

The Court: Objection sustained.

Q. Are you being paid your expenses for coming on from Ohio? A. I am paid my traveling expenses, yes, sir.

Q. How long have you been here in town on this case? A. I arrived Tuesday a week ago.

Q. And you are staying at a hotel at the expense of the defendants? A. The first week I stayed with some friends here in Brooklyn, and now I am staying at Bethel.

Q. And while at Bethel, have you talked to the defendant directors about this case? A. I have not.

Q. Did you talk to the defendant's attorney? A. I have.

Q. And when did you talk to him? A. Sunday afternoon.

Q. And were any of the other directors present? A. No.

Q. How long a conference? A. About twenty minutes.

Q. And that is the only time you talked to anybody down there about this case? A. No. There are other conversations that I might have had, not with the directors. There were other members of the Bethel Family that asked, "Well, how is the case coming along?" And I said, "It is quite interesting." That is about the substance of the conversation.

Q. What is this Campbellite church that you mentioned? A. Well, it is an organization that had its beginning some time prior to the middle of the last century, and its doctrines are supposedly founded on the Bible, but I left it because there was discrepancy.

The Court: Did he ask you why you left it?

The Witness: No, that is right.

Q. You found a discrepancy? A. That is right.



Q. And you disagreed, is that correct? A. That is right.

Q. But you just mentioned a conversation with Mr. Moyle wherein he disagreed with some doctrine of Mr. Rutherford's, didn't you? A. That is right.

Mr. Covington: Your Honor, this is argumentation.

The Court: It is.

Q. You don't claim, do you, that a member of Jehovah's Witnesses has not the right to express his opinion about the doctrines?

Mr. Covington: I object, your Honor, this is not proper cross-examination.

The Court: Objection sustained as to form.

Q. Did you bring that out or point it out to this Court, this conversation with Mr. Moyle about doctrine, to give the impression that a Jehovah's Witness should not disagree on doctrine? A. Well, I brought that out for the purpose of relating the facts just as they occurred.

Q. It took you quite a while to think that one out, didn't it?

The Court: Objection sustained. Strike it out.

Q. But it was a statement about a difference of opinion on doctrine, wasn't it? A. That is right.

Q. And the very principle for which you left the Campbellite church, objecting to difference of doctrine—



Mr. Covington: Your Honor, this is argumentation.

The Court: Objection sustained.

Q. Did you read this statement in the September 1, 1939 "Watch Tower," that Mr. Moyle was dismissed for unfaithfulness? A. Yes, I did.

Q. Did you read the article in the October 15th "Watch Tower" entitled "Information"? A. I did.

Q. And the article in the November 15th "Watch Tower" on "Snares"? A. I did.

Q. So other than the reading of those articles and these letters you have referred to from Mr. Moyle, you did not hear any more about this matter during those months?

Mr. Covington: This is again argumentation, your Honor.

The Court: It is. Objection sustained.

Mr. Bruchhausen: Exception. That is all.

Mr. Covington: That is all.

The Court: Are you finished with the witness?

Mr. Bruchhausen: Yes, sir.

(Witness excused.)

Mr. Bruchhausen: Now, may I read this exhibit to the jury?

The Court: Yes.

(Mr. Bruchhausen reads Plaintiff's Exhibit 19 to the jury.)

The Court: We will now take a five-minute recess.

(Short recess)

Mr. Covington: Mr. McLemore.



LESTER L. McLEMORE, South Lansing, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. What is the mail-box there? A. The mail-box is Box 8.

Q. How long have you been in South Lansing? A. Approximately seven years.

Q. And is that at the place known as Kingdom Farm? A. It is.

Q. Were you on Kingdom Farm during any time between 1935 and 1939? A. I was.

Q. Did you go to Kingdom Farm when you first went out to South Lansing? A. I did.

Q. And did you live and have you lived on Kingdom Farm ever since you went to South Lansing? A. I have.

Q. And what has been the nature of your duties at Kingdom Farm? A. My work was farming.

Q. And you are one of Jehovah's Witnesses, are you not? A. I am.

Q. You are a member of the Kingdom Farm Family of the Watch Tower Society, are you not? A. I am.

Q. Are you married? A. I am not.

Q. Do you know the plaintiff, O. R. Moyle, Mr. Moyle? A. I do.

Q. When did you first become acquainted with Mr. Moyle? A. I believe it was in 1935 at the farm.

By the Court:

Q. Was it on the occasion of his visit to the farm? A. Yes, sir.



By Mr. Covington:

Q. During the years that you have been at the farm before 1939, August 8, 1939, did you live in what is known as the Central House? A. I did.

Q. Is that the place where the central dining room? A. It was.

Q. Did you live upstairs? A. I did.

Q. Now, did you live there the year around? A. I did.

Q. Were the rooms of average size, farmhouse size? A. Yes, sir, they were.

Q. Did you have room to have a dresser in it and other bedroom accommodations? A. Yes, sir.

Q. Were the rooms sufficiently heated during the whole winter?

Mr. Bruchhausen: I object to that as a conclusion.

The Court: Objection sustained. Let him tell.

Q. Just tell whether or not they were heated. A. The rooms were heated and were comfortable.

Q. Was that throughout the entire winter? A. It was.

Q. Have you ever complained to anyone about having inadequate heating accommodations at the farm? A. I did not.

Q. Was there ever any time that you did not have adequate heating accommodations in your room at the farm? A. No, sir.

Q. And you were entirely satisfied? A. I was.

Mr. Covington: That is all.



*Cross-examination by Mr. Bruchhausen:*

Q. Where did you live before you went to the farm? A. At Greenfield, Missouri.

Q. Were you a member of Jehovah's Witnesses out in Missouri? A. For a short time, yes, sir.

Q. How long? A. Approximately four months.

Q. Are you a minister? A. I am.

Q. When did you become a minister? A. I became a minister when I made my consecration. I do not remember the exact date, some time in 1934.

Q. Did anybody give you a certificate telling you you were a minister? A. Yes, sir.

Q. Who gave you the certificate? A. The Watch Tower Bible & Tract Society.

Q. And how long after you started studying did you become a minister? A. I do not recall exactly; something like six months.

Q. And what did you study during the six months to become a minister? A. I studied the Bible and the Watch Tower publications.

Q. Anything else? A. No, sir.

Q. Did you read any other religious books or magazines? A. I did not.

Q. Have you since that time read any other religious books or magazines?

The Court: Outside of the Watch Tower publications.

A. Not that I recall.

Q. Or have you attended any schools since you became a minister, outside of Watch Tower? A. I have not.

Q. So your entire education has been through the "Watch Tower"? A. That is right.

Q. Were you a farmer before you went up to Lansing? A. I was.

Q. And what is the average temperature up in Lansing during the wintertime? A. The average would be below freezing.

Q. Isn't it below zero? A. No, I do not think so, the average.

Q. Isn't it frequently below zero? A. Sometimes it is.

Q. And you get a great deal of snow up there? A. Pardon me?

Q. A great deal of snow? A. Quite a lot of snow, yes, sir.

Q. And how many people live in this house that you have referred to? A. I don't recall exactly. I believe about twenty.

Q. And where was the heating plant? A. In the basement.

Q. What kind of a heating plant was it? A. It was a boiler, steam heated.

Q. How long had that building been there, do you know? A. It was constructed in 1936 and 1937, I believe.

Q. Are you sure about it? A. Yes, sir.

Q. And where were the radiators? A. The radiators were in the rooms and halls.

Q. You are sure there were radiators in the rooms? A. Yes, sir.

Q. Positive? A. Yes, sir.

Q. In every room? A. Well, I wouldn't say in every room, no.

Q. The radiators were mainly in the halls, weren't they? A. No.

Q. But there were radiators in the halls? A. There were.



Q. Did you go into every room on each floor? A. I did.

Q. When did you go in? A. On various occasions.

Q. What were your duties in the building? A. I had no duties in the building.

Q. Were your duties outside? A. They were.

Q. On what occasion did you visit each room? A. On various occasions, whenever I went to visit with the occupants of the room.

Q. Was every room occupied? A. Yes.

Q. How many rooms were there? A. I don't recall the exact number.

The Court: Approximately.

A. (Continued) There were approximately ten rooms.

Q. Did you know Mr. Goranflo there? A. I did.

Q. Do you know when he left? A. I did.

Q. Do you know the circumstances of his leaving? A. Yes, sir.

Q. He had a disagreement, did he not?

Mr. Covington: I think that would be immaterial, in my judgment, if your Honor please.

The Court: Objection sustained.

Q. Was Mr. Rutherford ever up there in the wintertime? A. Not during the severest weather, no.

Q. What do you call the severe weather? A. Well, from November on.

Q. Would you say that Mr. Rutherford was never up there between November and May? A. I do not recall any time that he was.



Q. Well, you would know if he was there, wouldn't you?

By the Court:

Q. Your best recollection is that he was not, is that what you want to tell us? A. Yes, that is right.

By Mr. Bruchausen:

Q. You were there all the time between 1935 and 1939?

The Court: He said his best recollection was that Mr. Rutherford was not there.

Q. And you also subscribe to the doctrine that this is God's organization on earth? A. I do.

Q. And that Mr. Rutherford was God's servant in charge of it at the time? A. I do.

Q. And that everything that you read in the "Watch Tower" or hear from God's organization on earth, you accept? A. I do.

Q. You never dissented from anything that has come out in the "Watch Tower" or from God's organization on earth? A. I have not.

Q. And when you read in the "Watch Tower," and I presume you did, the September 1st article which you have heard referred to here, October 15th and November 15th, you believed them, is that correct? A. I did.

Q. You made no investigation of your own to find out about it? A. I did not.

Q. You just accepted it as you read it? A. Yes.

Q. And everybody that you knew of the Watch Tower organization accepted—



Mr. Covington: Your Honor, this is argumentation.

The Court: Objection sustained.

Q. And your expenses have been paid to come down here? A. I paid my own expenses.

Q. Well, are you staying at Bethel? A. I am.

Q. And have been for how long? A. This is the second day.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Mr. McLemore, the radiators are in the rooms on the first floor—there are two floors in that house, are there not? A. Two floors and a basement.

Q. There are radiators in the rooms on the first floor, is that correct? A. That is right.

Q. What is the arrangement for the heating of the rooms on the second floor? A. The second floor is heated by means of radiators and by the exposed steam pipes.

Q. Are the steam pipes that run through from the side of the walls to the radiators out in the central room? A. That is correct.

Q. Is there a central room in the second floor? A. There is.

Q. Is that an oblong room? A. It is.

Q. And do all the other bedrooms connect into that central room? A. They do.

Q. And where are the radiators situated on the second floor? Are they in the central oblong room or in the bedrooms? They are partly in the central room and partly in the rooms.



By the Court:

Q. You mean some rooms have radiators and others have not? A. That is right.

By Mr. Covington:

Q. And this central room is a long, oblong room. What opens out into the central room besides these other rooms? Is there a stairway leading up from downstairs? A. There is.

Q. And are there transoms over the doors? A. There are.

Q. And have the rooms been satisfactorily heated, as far as you know, since you have been there? A. They have.

Q. Did you ever hear any of your brethren there complain about the lack of heat in any of the rooms there? A. I did not.

By Mr. Covington:

Q. Now, did anybody live in the house occupied by Judge Rutherford when he was there? A. Yes, sir.

Q. That was an ordinary farm house, was it not? A. It was.

Q. Do you recall how many people lived in that house? A. Not the exact number. I believe about half a dozen.

Mr. Covington: That is all.

*Recross examination by Mr. Bruchhausen:*

Q. Just one thing more. Aside from this so-called community house and the house where Mr. Rutherford resided, there were several farmhouses there, weren't there? A. Yes, sir.



Q. And they were much older than this community house? A. They were there when the farm was taken over.

Q. And do you know about how many years old those houses were? A. I do not.

Q. Since 1936, there have been considerable improvements made up in there, have there not?

Mr. Covington: I object. This is going into the realm—

The Court: Objection sustained.

Q. Since 1939 improvements have been made?

Mr. Covington: I object. It is immaterial.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

That is all.

Mr. Covington: That is all.

The Court: Step down. Next witness.

Mr. Covington: Matthew Arnold Howlett.

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MATTHEW ARNOLD HOWLETT, residing at 124 Columbia Heights, Brooklyn, New York, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. How long have you been a member of the Bethel Family? A. About twenty-five years.

Q. And how long have you known Joseph F. Rutherford? A. Since 1913; 1913.

Q. Did you know Pastor Russell during his lifetime? A. I did.

Q. How long have you been a member of or

been associated with the Watch Tower Bible and Tract Society? A. Since 1917.

Q. Are you married? A. I am.

Q. During the time that you have been a member of the Bethel Family, have you had occasion to eat at the dining table? A. All the time I am in Bethel, yes.

Q. And during all those years, have you noticed Judge Rutherford presiding at the head of the table? A. Whenever he was in the house, yes.

Q. You have also had a room and lived in Bethel during the time that you have been there, have you not? A. I have.

Q. Have there been times during those years that you have not been a member, that is, have not resided in Bethel? A. There have been times, yes.

Q. Have you always been a member of the Bethel Family? A. Always since 1917.

Q. And on what occasions have you been away from Bethel, if you can recall? A. When I have been sent out on meeting assignments and on radio service.

Q. Were you staying in the house at 124 Columbia Heights during any of the years from 1935 to 1939? A. From 1935 to 1938.

Q. Do you know the plaintiff, Olin R. Moyle? A. I do.

Q. How long have you known the plaintiff, Olin R. Moyle? A. During those years.

By the Court:

Q. Since 1913? A. 1935 to 1938.



Q. I thought you said 1913. That was Mr. Russell? A. Yes, that is right.

By Mr. Covington:

Q. In addition to your association with Judge Rutherford at the table, have you had occasion to become intimately and closely acquainted with Judge Rutherford during those years? A. I have.

Q. Now, based upon your observation and knowledge of Judge Rutherford, can you tell the Court and jury what his attitude was towards his brethren at Bethel while presiding at the table? A. His attitude at the Bethel table was very solicitous, brotherly, and very kind, and always just.

Q. Did you ever see him demonstrate an attitude of dictatorship? A. I did not.

Q. Did you ever see him cutting anyone short from making comments at the table? A. No, sir.

Q. Has he, during the time that he presided at the table, suggested the asking of questions and the making of comments? A. He certainly has.

Q. And that was during the whole time that you were there? A. Always, since I have known him and been there.

Q. From time to time matters come up at the table which are of general concern to the whole family, do they not? A. Quite frequently.

Q. And on those occasions you have heard Judge Rutherford make comments, have you not? A. I certainly have.

Q. Matters of concern before the whole family are usually brought before the family in what method, if you know? A. They were brought before the family at mealtimes, because that was the only time they gathered.



Q. Were they usually brought up by some member of the family, or sometimes by Judge Rutherford? A. Both.

Q. Did Judge Rutherford object to any one bringing up items of interest or questions at the table? A. Never.

Q. I show you a letter dated July 21, 1939, addressed to J. F. Rutherford and signed by O. R. Moyle. Will you take a look at that? A. I know the letter.

Q. When did you first hear of that letter? A. Towards the end of August, 1939.

Q. Were you in Bethel on August 8, 1939? A. I was not.

Q. During the early part of the year 1939, where was your assignment? A. Zone 2, in the State of Ohio.

Q. When did you take over that zone as Zone Servant? A. July 1, 1938.

Q. Prior to that time had you served as a traveling speaker and minister for the Society, on appointments? A. Since 1917.

Q. And that has been at frequent intervals; is that not true? A. Yes, sir.

Q. And this interval was one of such; is that correct? A. It was.

Q. Now, when you returned during the summer of 1939— When was it that you returned to Bethel? A. The end of August.

Q. On that occasion, did you have an opportunity to see that letter? A. Yes. Judge Rutherford showed me the letter at the end of August, when I returned.



Q. Did he discuss with you any action or part that you would have to do in regard to that letter? A. Not at that time.

Mr. Bruchhausen: I object to any conversations that were not in the presence of Moyle.

Mr. Covington: I am not going into the contents. I just want to know if there was a discussion.

The Court: He said not at that time.

Q. Later on, was there such a discussion? A. Yes, around September 1st.

Q. Was it— A. Pardon me. May I correct that?

The Court: Yes.

The Witness: It was around September 21st.

Q. The occasion of September 21st, what was that? A. I think it was two days before September 21st, when Judge Rutherford called attention, called my attention. I was in his office.

Mr. Bruchhausen: I object to any conversation.

Mr. Covington: All right.

The Court: Objection sustained. You can't tell the conversation two days before September 21st.

By the Court:

Q. You had something called to your attention by Judge Rutherford? A. That is right.

By Mr. Covington:

Q. On or about the 21st day of September,



did you attend a meeting that was attended by some of the members of the Board of Directors? A. Yes, sir; on November 21st.

The Court: No. Make it September.

The Witness: September 21st.

Q. On that occasion was the matter of this letter and the article entitled "Information" discussed? A. It was.

Q. Was there a discussion as to your making a visit to Wisconsin? A. There was.

Q. Was there discussion concerning the need of your going to Wisconsin to present the article entitled "Information"? A. There was.

Q. You recall going to Wisconsin, do you not? A. Very clearly.

Q. Before we get into that branch of the testimony, I would like to touch upon another matter. When you read that letter, what was your reaction and opinion concerning its contents? A. I was shocked and I felt sick. That was my reaction.

Q. Did you believe the contents of that letter to be true or false? A. I believed the contents to be absolutely false.

Q. Well, now, did you believe that based upon information or based upon your own knowledge of conditions in the Family? A. My knowledge of the conditions in the family.

Q. Did you base it upon your knowledge of and concerning Judge Rutherford? A. Yes, sir.

The Court: Did you sign the article "Information"?

The Witness: No, sir. I am not an officer.



Q. Now, Mr. Howlett, at any time while you have been at Bethel, have you ever noticed Judge Rutherford administer ill-treatment to the Bethel Family. A. I have not.

Q. Have you ever seen him administer an unjust trimming to his brethren? A. I have not.

Q. Have you ever seen him give any sort of a trimming to his brethren? A. I have not.

Q. Have you ever seen him administer a tongue lashing? A. No, sir.

Q. Have you ever seen him bring his brethren into unfair public reproach? A. I have not.

Q. Have you ever seen him deny anybody freedom of speech at the table? A. Never.

Q. You weren't there during the Madison Square Garden discussions in the Family, were you? A. I was not in New York.

Q. During the times that you have been there, have you noticed any discrimination between the accommodations had by some of the members of the Family and those had by Judge Rutherford? A. No, sir.

Q. Have you been to Staten Island at any time? A. Very many times.

Q. Have you been there at any time when he has been there? A. Yes, sir.

The Court: By "he" you mean Rutherford?

Mr. Covington: Judge Rutherford.

Q. Have you been there at any time when he presided at the head of the table? A. Yes, sir.

By the Court:

Q. His conduct there was the same as you

have described it at Bethel, in Brooklyn? A. Just the same, your Honor.

By Mr. Covington:

Q. Are you familiar with the accommodations that Judge Rutherford had at Bethel? A. Very familiar.

Q. Are you familiar with the accommodations that he had at Staten Island? A. Quite familiar.

Q. Are you familiar with the accommodations that he had in Kingdom Farm? A. Yes, sir.

Q. Now, based on your knowledge, was there anything about those accommodations that discriminated between those enjoyed by his brethren? A. No, sir.

Q. Were you permitted to get married and remain at Bethel? A. I was.

Q. At the time you got married, you were on an assignment, is that right, away from the Family? A. I was.

Q. Did the Judge deny you the right to return because you had been married? A. Certainly did not.

Q. At any time that you have been at the Bethel table, have you ever noticed any filthy, vulgar language and stories passed about the table? A. I certainly have not.

Q. Have you seen liquor glorified at the table? A. No, sir. I have never even seen it at the table.

Q. Is it the policy at Bethel to break in newcomers by subjecting them to the use of alcohol? A. No.

Q. What is the attitude of the Bethel Family and Judge Rutherford towards total abstain-



ing? A. Can I refer to the testimony given by Mr. Franz?

The Court: Yes.

A. (Continuing) Just the same—the testimony that was delivered by Mr. Franz is absolutely my testimony. I heard his entire testimony.

The Court: Thank you very much.

Q. Have you ever known Judge Rutherford to take hasty, ill-considered action against anyone who had a matter to present to him that differs with him? A. From my personal knowledge, very much the opposite.

Q. Were you scared to bring up any matter on which you disagreed with him? A. I addressed him personally as "Pap".

Mr. Bruchhausen: Pap?

The Witness: P-a-p.

Q. Isn't it a fact that the entire Family was closely connected with the Judge and many of them constantly called him by that name? A. Absolutely.

Q. Have you ever had medical training? A. I have.

Q. Where? A. Four years' study of medicine in England, and some post graduate courses in this country.

Q. Were you born in England? A. I was.

Q. During the years that you knew Judge Rutherford, did you know his physical condition? A. I did.

Mr. Bruchhausen: I object to that. There is no issue here on that.



The Court: He said yes, he did. I will wait until the next question.

Mr. Bruchhausen: In anticipation of further questioning on that score.

Mr. Covington: All right.

Q. Do you know the reason why the dining room was provided on the seventh floor for Judge Rutherford?

Mr. Bruchhausen: I object to that as calling for a conclusion.

The Court: Objection sustained.

Mr. Covington: We except.

Q. Wasn't it necessary that because of Judge Rutherford's physical condition, he have a set form of diet administered and prescribed by the doctors?

Mr. Bruchhausen: I object to the question and ask that counsel be admonished.

The Court: Sustained as to form.

By the Court:

Q. Was there a special dining room on the seventh floor for Judge Rutherford? A. Just a small dining room and kitchenette.

The Court: You have been doing very nicely up to now. Answer the question.

The Witness: Excuse me.

Mr. Covington: In connection with that, I would like to make an offer of proof.

The Court: I am trying to lay the foundation for you. The objection is to the form of your question.

Mr. Covington: All right, your Honor.



Q. Were you personal physician to Mr. Rutherford? A. I was his personal nurse, acting under the direction of the house physician.

Q. And it was suggested that he have a dining room on the floor in which he lived? A. Absolutely.

Q. And he did have some meals served up there? A. Yes, sir.

Q. On the advice of his doctor, and you saw to it, under the advice of his doctor? A. I was his dietician.

The Court: Is that what you want to prove?

Mr. Covington: That is what I want to prove.

The Court: I think that is the right way to prove it.

By Mr. Covington:

Q. Was that the reason the dining room was there? A. Absolutely.

Q. Was his physical condition such that he could not eat the ordinary food, all of the ordinary food?

The Court: Strike it out.

By the Court:

Q. Did the doctor prescribe a special diet for Mr. Rutherford? A. Yes, sir.

Q. And you, acting under the doctor's instructions, saw that he got the special diet? A. I did; that is correct.

Q. And he needed some things cooked especially for him, under the advice of the doctor? A. That is correct.



The Court: Is that what you wanted?

Mr. Covington: Yes.

By Mr. Covington:

Q. You attended Judge Rutherford during his last months of life, did you not? A. I did.

Q. Can you tell the jury what Judge Rutherford was suffering from during the last eighteen or twenty years of his life?

Mr. Bruchhausen: I object to this line of questioning.

The Court: How is this pertinent? You have proved what you wanted to prove, about the special dining room. I think you are going on dangerous grounds, if you go any further.

By the Court:

Q. You are a defendant in this case? A. I am a defendant, your Honor.

Q. You were not a member of the Board of Directors, or an officer? A. No, sir.

Q. You had nothing to do with the preparation, or you didn't sign the article called "Information"? A. That is correct.

Q. The first time you heard of the controversy was late in August, when Judge Rutherford told you about it? A. That is correct.

Q. The first time you saw the article "Information" was, I assume, after the Board of Directors had passed and signed it? A. Yes, yes.

Q. And then it was shown to you by somebody, or did you first see it in the Watch Tower? A. The article "Information" was shown to me by Judge Rutherford, yes.



Q. After it had been signed by the directors? A. Yes, sir.

Q. You weren't asked to vote on it or to comment about it; you didn't sign it? A. No, sir.

By Mr. Covington:

Q. Mr. Howlett, when was it, approximately, that you went to Wisconsin? A. Approximately the 24th of September.

The Court: Before you get to that, you better clear up the "Snares" article with this witness.

By the Court:

Q. You read "Snares" for the first time in the Watch Tower on November 15th, when you read the Watch Tower? A. Correct.

Q. You had nothing to do with the preparation or publishing of that? A. Nothing whatever.

By Mr. Covington:

Q. Approximately what day was it that you left New York to go to Wisconsin? A. September 23, 1939.

Q. And what did you go to Wisconsin for? A. to convey—

Mr. Bruchhausen: I object to that as calling for a conclusion.

The Court: It does. Reframe your question.

Q. Did you get any instructions before you went to Wisconsin? A. I did.

Mr. Bruchhausen: I object to this line

of questioning. We have no objection to the witness stating what he did when he got out there.

The Court: I will ask the question.

By the Court:

Q. You were sent to Wisconsin; you were instructed to go to Wisconsin? A. As a zone servant.

Q. As a zone servant? A. Yes.

The Court: Now you are in Wisconsin.

By Mr. Covington:

Q. And you took the article entitled "Information" with you, did you not? A. I did.

Q. Now, what was the first thing you did after you got to Wisconsin? A. Made contacts with the Company servant, Mr. Ellison.

The Court: What town is this?

The Witness: Milwaukee.

Q. Tell us what, if anything, you did on that occasion? A. I had a letter of instructions, which was shown to Mr. Ellison and Mr. H. H. Fink.

Q. And what did that letter relate to? It is in evidence. A. That related to the temporary releasing of Mr. Fink as the zone servant for this zone in Wisconsin, until he had performed certain obligations.

Q. Was there a meeting of the Milwaukee company of Jehovah's Witnesses on that occasion? A. There was.

Q. Approximately how many attended? A. To the best of my memory, about 300.



Q. What was the subject of discussion on that occasion? A. The reading to the assembly of the information as contained in "Information."

The Court: You read it to them?

The Witness: I read it to them.

Q. Now, then, did you make any statements, other than that contained in the article entitled "Information"? A. I did.

Q. Can you tell this jury substantially what it was that you advised the congregation on that occasion? A. I first read the article "Information." Having read that, I then spoke of the fact of Mr. Moyle having left the organization, a fact of which they were familiar. I called their attention to what was contained in the letter, one or two items of the letter.

By the Court:

Q. Do you mean Mr. Moyle's letter to Rutherford? A. Yes, the letter that Mr. Moyle read. Especially calling attention to the injustices of the matter of the air-conditioning, I called their attention to the fact that Judge Rutherford did not have any air-conditioned rooms, but that the office of the treasurer, Mr. Van Amburgh, had an air-conditioning unit, and that Mr. Van Amburgh had asked them, asked Judge Rutherford repeatedly, if such a unit could not be placed in this office; and, after persuasion, a unit was placed in the office of Judge Rutherford.

And that was one explanation I gave, in my own language, to that assembly in Milwaukee. I then proceeded to show that Mr. Moyle— am I using the right language?

The Court: Go ahead.



A. I will make it as brief as I can. I then proceeded to show that Mr. Moyle had adopted an absolutely unScriptural course. I quoted Scripture as contained in the First Chapter of Ezekiel, to show a picture, a graphic picture of the Lord's Organization and that it was pictured as "Wheels within Wheels"—that picture is contained on the outside cover of the Watch Tower magazine—and that the description in the first chapter of Ezekiel showed the wheels progressing up and then down here, and then there was perfect harmony and unity in the operation of the Organization of Jehovah, Invisible and Visible, as it was described in Heaven and upon the Earth in the first chapter of Ezekiel.

I then told them that Mr. Moyle had occupied a very responsible position and that, on the basis of his own claim and the answering of the statements in the questionnaire—with which I was quite familiar—that he had stepped out, become a murmurer and had no more right to quit, scripturally, than Judge Rutherford had himself.

I introduced Scriptures to show why he had become a murmurer, what it meant for him to become a murmurer, and what the New Testament and the Old Testament said about it. And, after presenting that scriptural testimony, that rounded out the statements I made to the assembly in Milwaukee.

By Mr. Covington:

Q. Was there anything that you said or did on that occasion done out of malice to Mr.



Moyle? A. No, sir. May I just add one more thing, your Honor?

The Court: Go right ahead.

The Witness: I stated that what I was stating was what I personally was stating, that Judge Rutherford needed no defense, that every word I stated in that assembly was of my own personal knowledge, that I took that letter as a personal insult, and that he had no right, Moyle had no scriptural right, to represent me and write such a letter.

Q. Did you ask Olin R. Moyle to write such a letter? A. I did not.

Q. Would you have written such a letter? A. I—

Mr. Bruchhausen: I object.

Mr. Covington: It is withdrawn.

Q. Did you have malice and ill will in your heart on the occasion that you spoke before the Milwaukee congregation? A. I certainly had not.

Q. Why did you go out there and why did you speak before that congregation?

Mr. Bruchhausen: I object to that as calling for a conclusion.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Were you doing it for the good of the organization?

Mr. Bruchhausen: I object to the question and ask the Court to admonish counsel that it is improper.



Mr. Covington: I am making a record.

Mr. Bruchhausen: You have made your record on the first question. I don't think it should be brought in in another way on another question.

The Court: If you don't mind, I would be obliged if you would stop the colloquy today. I am having a difficult time with my throat and ear.

Mr. Covington: I am just trying to explain my purpose to the Court.

The Court: The objection is sustained. The record is made. Monday you can come out fighting, but please don't indulge in colloquy today.

Mr. Bruchhausen: I will try to stay away from colloquy.

By Mr. Covington:

Q. Did you have in mind the need of the brethren to know of the facts concerning the course taken by O. R. Moyle?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Did you have in mind the fact that you desired to bring those facts to the attention of the brethren, for their use and benefit?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Had you heard that O. R. Moyle had read a statement previously in that congregation? A. I—



Mr. Bruchhausen: I object. Well, I withdraw the objection.

A. (Continuing) Yes, sir.

Q. Did you read this article entitled "Information" in answer to that statement?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. That is strictly calling for a conclusion. Exception to defendants.

Q. Did you have knowledge of that fact when you read the article entitled "Information"?

Mr. Bruchhausen: Knowledge of what fact?

The Court: You mean knowledge of the fact that Moyle's letter had been read?

Mr. Covington: That is right.

Mr. Bruchhausen: No objection.

A. Yes, sir.

Q. Was that one of the things that prompted you to read the article?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. How long did the meeting last, Mr. Howlett? A. An hour.

Q. Now, where did you go from Milwaukee? A. I am not quite sure of the exact—

The Court: Your best recollection.

A. (Continuing) Well, my best recollection, I think it was to Oshkosh. I remember that, because that was the northern point.

By the Court:

Q. You had a similar meeting there? A. Yes.

Q. You said about the same thing? A. Practically the same thing.

By Mr. Covington:

Q. And, from there, where did you go? A. Oshkosh.

By the Court:

Q. Tell us the names of all the towns you visited? A. There were two places I went to Monday and Tuesday—Oshkosh and I forget the name of the second place.

Q. Waupun? A. Yes, Waupun.

Q. Oshkosh, Waupun; where else? A. On Wednesday I came back to Milwaukee.

By Mr. Covington:

Q. And then where did you go? A. Then I was down to Racine and Beloit, Waukegan and Chicago.

By the Court:

Q. And you made similar speeches at each place? A. Same procedure, your Honor.

Q. And you said approximately the same things, to the best of your recollection? A. The same.

Q. And your testimony, in so far as the other meetings are concerned, would be the same as you testified to at the Milwaukee meeting? A. Yes, sir. May I correct that? I may have used one or two additional scriptures.

Q. We said substantially the same. A. The same.



Q. We said "substantially" A. Yes, substantially the same.

Q. And that was said without malice and the other things that you testified to? A. Absolutely.

By Mr. Covington:

Q. You had no ill will towards Mr. Moyle, did you? A. Never.

Q. When did you get back to New York? A. It was in eight days, eight or nine days.

Q. Did you mail in the article "Information" before you got back? A. No, sir.

Q. Before you got back to Brooklyn, during the time that you visited any of the congregations, were there expressions of gratitude for your visit? A. Yes, they expressed appreciation.

The Court: In each of those places?

The Witness: Yes.

Q. Did anyone make a statement with reference to the need of your visit? A. They certainly did.

Q. Did you have occasion to notice—did you make an investigation in connection with each of your visits? A. I did.

Q. In those towns in Wisconsin, did you find any condition of division and strife in the Company? A. There was very considerable confusion, yes.

Q. Did your visit have anything to do with reference to smoothing out those conditions? A. So far as I knew. I was only there a short time.



Q. What was the reason for this condition, division and strife, in the Companies?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Did you know that Mr. O. R. Moyle was widely known? A. I did.

Q. You knew that he had made talks before assemblies and conventions? A. I did. I knew that, yes.

Q. On the occasion of any of these visits there to any of the congregations, did you learn about the circulation of a copy of the letter of O. R. Moyle? A. I did.

Q. Was that explained as being the reason for the disturbance in the congregations?

Mr. Bruchhausen: I object to this.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Did you make a report to J. F. Rutherford on your return? A. I did.

Q. There is some evidence in the record—a statement by Mr. Moyle—regarding a statement which you made at the Bethel table, in which he claimed that you used the words "Son of a bitch." Did you use that statement? A. I certainly did not.

Q. Just tell us what word did you say? A. Just the word or the occasion?

Q. Just the words, and then we will get down to the occasion. A. I used, briefly: "Son of the bitch."

Q. Tell us the occasion for your using that ex-



pression, what you said, what anybody else said, and give us the whole conversation.

The Court: Where it was.

Q. The whole conversation. A. This was at the Bethel dining table, and I believe it was the noon meal. The conversation had been along the lines of organized religion and discussions as to the unfaithful shepherds; and I asked permission to make a comment accordingly. It was granted. And I stated that the Apostle Paul made the statement, "Beware of dogs and evil doers," and that the Apostle Paul was quoting from the fifty-sixth chapter of Isaiah: "His watchmen are blind; yea, they are all dumb dogs, they cannot bark; sleeping, lying down, loving to slumber.

"Yea, they are greedy dogs which can never have enough, and they are shepherds that cannot understand; they all look to their own way; everyone for his gain from his quarter."

I then showed that Jesus identified those same shepherds and stated that they were of their father the devil, as is recorded in John, Chapter 8.

I also pointed to the fact that organized religion—not Christianity—was spoken of in the Scriptures as a "harlot," that the unfaithful shepherds are spoken of as "children" or "sons" of that "harlot"; and that, inasmuch as they were identified as "dumb dogs," then their mother must have been a female dog—and by any other name she is still a bitch,—and that unfaithful shepherds are then termed "Sons of the bitch," or "A son of the bitch."



And the statement was made and attention called to the general misuse, as it quoted—

By the Court:

Q. We asked you what you said. A. I made these statements. As the testimony showed, I developed the story. That my statement was to the effect that that slang term "Son of a bitch" —which I did not use at all—"Son of a bitch," that slang term used on the street was really from the scriptural term "Son of the bitch" or "harlot."

By Mr. Covington:

Q. And that term has been misused by the people on the streets?

By the Court:

Q. Is a "harlot" the same as a "bitch"? A. In the scriptural usage it applies to the same organization.

Q. Is the definition of a "harlot" and "bitch" the same thing? A. Not exactly. It is only in the scriptural use.

Q. In the Scriptures "harlot" and "bitch" are the same thing? A. Applying to the same organization, yes.

By Mr. Covington:

Q. I ask you if Webster's dictionary does not use the term "bitch," in reference to a natural woman, in terms of contempt and impurity? A. It does.

Q. Did you ever get offended when you read



that definition in Webster's dictionary? A. I certainly did not.

Q. You have heard O. A. Moyle make speeches, have you not? A. Occasionally I have, yes.

Q. You have heard him make reference to the publications of the Watch Tower Society, have you not, in those speeches? A. Always.

Q. Did you ever hear him evince or state any complaint about the references in the publications describing "Unfaithful religions" as "harlotry"? A. I have.

Q. You have heard that expression, but have you heard him ever state any objection to it? A. No, sir. Not register any objection to it, no, sir.

Q. Have you ever heard him use that term, that you recall? A. I wouldn't say that I have heard him use that term.

Q. Have you ever heard him express any disapproval to the reference to that term in the Society's publication? A. No, sir.

Q. Did he make any protest to the explanation that you made, on the occasion in question? A. No, sir.

Q. Did anyone condemn, criticise or object to anything you said on that occasion? A. No, sir.

Q. In making the speeches that you did at Wisconsin, did you have in mind the Scripture which says, "* * * mark them which cause divisions and offenses * * *"? A. That Scripture was quoted.

Q. What Scripture is that, if you recall? A. That is Romans. I think it is the sixteenth chapter. That is correct.

Q. Did you take any action at any time to injure Mr. Moyle? A. Never.

Q. Did you believe the contents of the article in "Information" to be true? A. I did.

Q. Did you believe that the comments contained therein fairly and honestly expressed the opinion of the Board of Directors? A. I did.

Q. Did it express your opinion or conclusion concerning the conduct of Mr. Moyle, as well as the facts stated? A. Very definitely.

Mr. Covington: That is all.

*Cross Examination by Mr. Bruchhausen:*

Q. You say that you married while you were there? Did you make that statement? A. I said I married while I was out on an assignment.

Q. What year was that? A. 1928.

Q. Now, when you went out West and made this trip to the various places, your expenses were paid, weren't they? A. Certainly.

Q. You had an expense account on that travel as well as on other travels? A. Yes.

Q. Do you remember what your expense account was on that trip?

Mr. Covington: That is objected to as immaterial.

The Court: I think it is immaterial.

Q. You were sent out there as sort of a troubleshooter, weren't you? A. No, sir.

Q. Well, you went out there to espouse Mr. Rutherford's cause, did you not? A. No, sir.

Q. You went out there armed with this article that you had prepared in advance? A. I had the article with me.



Q. Did you know or do you know when the decision was made to publish that article in the Watch Tower? A. No, sir, I don't.

Q. Did you talk to Mr. Rutherford about that? A. No, sir.

Q. Of course, after you left for Wisconsin or when you left for Wisconsin, you knew that the Watch Tower had already published this article on September 1st, did you not? A. Yes, I knew that.

Q. Mentioning that Mr. Moyle was dismissed for unfaithfulness? A. I had read that in the Watch Tower, yes.

Q. And, as far as you know, everyone in these meetings at these places read of that? A. I don't know that.

Q. You knew that some knew of it? A. I didn't know that.

By the Court:

Q. Anybody that read the Watch Tower would have known it? A. Yes. That is true.

Q. And you expect Jehovah's Witnesses to read the Watch Tower, don't you? A. Yes. But I couldn't say I knew.

The Court: You are right.

By Mr. Bruchhausen:

Q. You have made some mention about what was said by you. Have you refreshed your recollection recently from any memorandums you made about that? A. No, sir. I spoke extemporaneously.

Q. Are you speaking extemporaneously now? A. Yes, sir.



Q. What you tell us today is your recollection from 1939, is that right? A. Yes, sir.

Q. Have you refreshed it by talking to anybody in the meantime? A. No, sir; not a single person.

Q. Do you recall making the statement at one of these meetings in the Middle West that Moyle was unfaithful? A. I certainly do.

Q. And also that Moyle received a trimming from the Judge and couldn't take it? A. Never have I made such a statement.

Q. Did you ever use the word "trimming"? A. No, sir.

Q. Never have used it? A. In connection with a machine, yes.

Q. You know what it means? A. Yes, I do.

Q. Never used it in your discussions? A. No, sir.

Q. Did you make the statement that Moyle's unfaithfulness consisted in leaving Bethel. A. No, sir.

Q. Well, that was one of your objections, was it not? A. No, sir.

Q. Included in your objections to Mr. Moyle is the fact that he left Bethel; is that right? A. Objections to Mr. Moyle?

Q. Or your animosity or whatever it is to him. A. I have no animosity.

Mr. Covington: I object.

The Court: Do you want to strike out the answer? He says "I have no animosity" towards Mr. Moyle.

Mr. Covington: If the question goes out, the answer ought to go, to. But, since



he answered, we have no objection to letting it stand.

The Court: The objection is withdrawn.

Q. Well, you were a private nurse, was it, to Mr. Rutherford? A. You could call it that, yes

Q. Are you registered as such? A. No, sir.

Q. Have you ever practiced that profession in New York with anybody else? A. No, sir.

Q. And when did you become private nurse? A. On my return from my assignment out West, in—between 1934 and 1935.

Q. And you acted as such for how long? A. Until the time of his death.

Q. And did anybody else in Bethel have a private nurse? A. If it was necessary, yes; most definitely.

Q. Were you private nurse to anybody else? A. Yes, I have done—I have assisted others, yes.

Q. And who were the other private nurses there? A. Dr. Ilett himself does that work. A young lady called Hannon also does private nursing.

Q. Is she registered? A. I don't know.

Q. You are not a doctor, are you? A. I am not a practicing physician. I have diplomas, yes.

Q. You have what?

By the Court:

Q. Are you admitted to practice? A. No, I have never made an application to practice.

Q. You have graduated from medical school but you are not admitted to practice? A. That is right.



By Mr. Bruchhausen:

Q. You never practiced medicine? A. I have never practiced medicine, no.

Q. When did you become interested in the Watch Tower? A. In 1913.

Q. And was that by way of the radio? A. No, sir. It wasn't in existence then.

Q. Through the magazine? A. No, sir.

Q. Through attending a meeting? A. Yes, sir.

Q. When did you become a minister? A. About April of 1914.

Q. How long did it take you to become a minister? A. I was studying for about a year.

Q. Was that by correspondence? A. No, sir.

Q. Where did you conduct your studies? A. In Winnipeg, Canada.

Q. Attend meetings? A. Yes.

Q. Just listening to lectures? A. No, sir; participating in those meetings, in study meetings.

Q. Were people of good will at those meetings? A. No, sir.

Q. How many people at the meetings? A. They varied.

Q. You just said that you never took action to injure Mr. Moyle; is that correct? A. That is correct.

Q. So you want this court and jury to believe that by reading this article "Information" out before these gatherings in the West, that wouldn't cause him any injury; is that it? A. Does that have to be answered yes or no? May I qualify it?

The Court: You may qualify it.



A. (Continuing) I want this court to know that I was following entirely scriptural proceeding. There was nothing personal in it whatsoever.

The Court: He just happened to be the man—

The Witness: Accessory to the fact.

Q. You didn't think that the reading of these things would cause him any injury, did you? A. I didn't give any thought to that.

Q. So you don't believe that when you go out and use the terms and expressions you did in this article "Information", that would cause any injury? A. I didn't give it any thought.

Q. The thought that you had in mind was doing something for the Watch Tower, wasn't it? A. No, sir.

Q. You believe that it is God's Organization on Earth? A. I certainly do.

Q. And that whatever Mr. Rutherford said was enough for you? A. No, sir.

Q. So you went out there, armored with this document in which Mr. Rutherford contends that —and that was enough for you to tell these people? A. No, sir.

Q. So you gave not a thought to Mr. Moyle in any of these meetings? A. I didn't say I gave him no thought. You were asking about injury.

Q. You never gave a thought as to whether it would injure him; is that correct? A. No, sir.

Q. So all you were thinking about was your Scriptures and what you had heard through the magazine of the Watch Tower and what you

got from Mr. Rutherford and the people down in Bethel? A. I would say yes; definitely.

Q. And you say that everything in this article "Information" is true, on your own knowledge?

The Court: Except Paragraph One.

A. Right.

Q. What is your definition of a murmurer? A. My definition of a murmurer is the definition given in the Scriptures. It is from a Hebrew word which means "Rebel".

Q. Then would you say that the murmur came when the letter was written? A. No, sir.

Q. At what point did the murmur begin? A. In the manner of its being written.

Q. At what time did the murmur begin? A. I wouldn't know that. When Mr. Moyle rebelled in his heart. I don't know what time that was.

Q. Even before it was put down in writing? A. I would presume so, according to the Scriptures.

Q. Did you know anything about the request to publish it in "Consolation"? A. No, sir.

Q. So that is not true, is it? A. Did I know anything about—

Q. You have no knowledge of it? A. You are asking of my personal knowledge?

Q. Yes. A. Of my own knowledge, no. I only know what I was told.

Q. Then these statements in "Information", in which you concur, are not all of your own knowledge? A. Not of my own personal knowledge, no.

Q. Did you have any personal knowledge that at the time this article was written Mr. Moyle



"caused it to be publicly read"? A. At the time the article was written?

Q. I am asking you; when the article was written. A. Of my own personal knowledge, no; not at that time.

Q. So far as you know, that is not correct? A. Only up to a certain time.

Q. Well, when the article was written? A. At that time, I have stated, not of my own personal knowledge.

Q. When was the article written? A. I don't know when it was written. It saw it September 21st.

Q. Do you know who wrote it? A. I do not.

Q. And what was your definition of Judas, used in this connection? A. My definition is substantially that mentioned by the defendant Sullivan. Am I permitted—?

Q. Give it to us again. Is it the same Scripture? A. I wouldn't follow just the same Scripture in giving the definition. Judas is illustrative of a condition that one might get into. That Judas was a trusted, confidential servant with Christ, Jesus, and served as such until the very night of His betrayal: and even at the attendance through that Last Supper, it was not then known, the condition of Judas's heart, except by the Master himself. He called their attention to the fact that one would betray Him that night, and when He made that statement they queried as to which one it should be and He made the statement, "The one that dips with me in the sop"; and the sop was handed to Judas; and the statement was made to Judas, "What thou doest, do quickly"; and Judas went out; and even when



he went out the rest of the Apostles did not know why he had gone, had absolute confidence in him because of his trusted position.

Q. Is that all Scripture or your own construction of it? A. It is all Scripture; paraphrased, but it is Scripture. And, within six hours, nine hours, everything was accomplished, even the crucifixion and the betrayal of his Master.

Q. You didn't think you were crucifying the plaintiff when you went out there? A. I did not.

Q. And you didn't think you were crucifying the plaintiff when these articles were printed in the Watch Tower? A. The crucifixion did not apply to Judas. It applied to Christ, Jesus.

The Court: Who applauded? I must ask whoever applauded to leave this room. This is a trial, not a show.

The Witness: I am not trying to be facetious.

The Court: I am not criticizing you at all. It is the audience.

Q. Are all the people in the courtroom here from the Watch Tower? A. I wouldn't possibly know.

Q. Are many of them? A. I wouldn't know.

Mr. Covington: That is entirely immaterial.

The Court: It is. But if there is any more of this, we will have no visitors. It isn't fair to the litigants, to the jury, to the lawyers, to the court, to the witness or anybody else, to have anything like that in the courtroom. This is not a show. It



is a trial of importance to both litigants, and to the jury and the court and the lawyers, who have spent a good deal of time.

By Mr. Bruchhausen:

Q. Mr. Rutherford's quarters were arranged on the seventh floor in what year? A. I can't remember that.

Q. And the dining room was established up there at that time, wasn't it? A. I don't know. I wasn't at Bethel at the time.

Q. When you came there they had a dining room there? A. Small dining room.

Q. On the top floor? A. Yes, sir.

Q. So there was a dining room there before you became a nurse to Mr. Rutherford? A. Yes.

Q. In fact, all the time that Mr. Rutherford had his headquarters on the seventh floor, he had that private dining room? A. I don't know.

The Court: As far as you know.

Q. You don't know? A. I don't know.

Q. Well, you lived there all this time, did you not? A. From 1934 on.

Q. Did he ever invite you to dine up there? A. Many times.

Q. During what years? A. From 1934 to 1938.

Q. How often in 1939 did you dine up there? A. I wouldn't know.

Q. Now, you say that some of the people at Bethel called Mr. Rutherford "Pap"? A. I said I did, and many others, yes.

Q. Did the boys in the factory call him "Pap"? A. They certainly did.



Q. So he was "Pap" to everybody around the place? A. No, he was "Pap" to those who felt that relationship. It was determined by them, not by him.

Q. So it was perfectly all right to call him "Pap"? A. Yes, sir, so far as he was concerned.

Q. They didn't call him "Pap" in the Watch Tower Magazine? A. No, sir. They had the proper respect to an office.

Q. You didn't call him "Pap" when you wrote letters to him? A. Yes, sir; I always addressed him as such.

Q. Did you see the letter that Mr. Woodworth wrote to him? A. I did not.

Q. Did he say "Dear Pap" in that letter? A. I don't know. I didn't see it.

Q. Have you any letter that you can show me where anybody called him "Dear Pap"?

Mr. Covington: I object to it as immaterial.

The Court: Objection sustained.

Q. Do you want us to understand that Mr. Rutherford never got excited, is that it? A. Is that a question?

Q. Yes. A. No, I don't wish you to understand any such thing.

Q. So that he did get excited at times? A. On proper occasions, like anyone else.

Q. And he did show his emotions? A. On proper occasions, like any one else.

Q. He was a large man, wasn't he? A. Very large.

Q. Six feet tall? A. Six feet four.



Q. And well built? A. Very well built.

Q. Had a good voice for speaking? A. No, he did not have a good voice.

Q. He spoke out in the open, didn't he? A. Not since 1922.

Q. He spoke in halls, didn't he? A. Not without amplification.

Q. They had an amplifier in Bethel, didn't they? A. It was necessary.

Mr. Bruchhausen: I move to strike out "it was necessary".

The Court: Strike it out.

You have been doing very well. Now you are starting off. Please answer the questions.

The Witness: There was an amplifier in Bethel, yes.

Q. Did you think it important to put in this phrase, "it was necessary", just now? A. Yes.

Mr. Covington: I object.

The Court: Objection sustained.

Q. So that he did address meetings in many parts of the country, did he not? A. Yes.

Q. Didn't he travel abroad? A. Yes.

Q. And address meetings in many parts of the world? A. Yes.

Q. He was able to travel, was he not? A. Yes.

Q. Traveled back and forth to California? A. Yes.

Q. You didn't go with him as his nurse, did you? A. Occasionally.

Q. In 1939 did you go with him to California? A. 1939? No.

Q. Did you go in 1938 as his nurse? A. One of those years. I forget which one it was. It was close up there.

Q. Who else went out to California with him? A. His entire office staff.

Q. His secretary? A. Yes; secretaries.

Q. Who was his secretary? A. There was Mrs. Heath.

Q. That is Bonny Boyd? A. Mrs. Heath. She was Bonny Boyd.

Q. By the way, did Mr. Rutherford's wife live at Bethel? A. At one time, yes, sir.

Q. When? A. In the early days.

Q. How early? A. I don't know.

The Court: Do you know that of your own knowledge?

The Witness: Yes, I do know that.

Q. Did you ever take a drink? A. Yes, when I get a chance.

Q. Some of the other boys around there like to drink, too, don't they? A. Pardon?

Q. Some of the other boys around Bethel like to drink, don't they? A. I don't know.

Q. Didn't you ever go out with any of the boys? A. Not to drink.

Q. Where did you get the drink; inside? A. Inside of where?

Q. Bethel. A. No, I had my drink outside, mostly.

Q. In a particular place? A. No, not in a particular place. Excuse my smiling.

Q. Did you ever get it in bottle form? A. I have had a bottle of beer, yes.

Q. Nothing stronger than beer? A. Oh, yes.





Q. You mean you have had something stronger than beer not from the bottle? A. Yes, I think I have taken it out of the bottle.

Q. And that is at Bethel, isn't it? A. No, sir.

Q. Where did you get the bottle? A. I didn't get the bottle.

Q. Where is the bottle that you referred to? A. Out in a lumber camp.

Q. So there are no bottles—

The Court: I think we have had enough of that.

Q. So you went up there and Fink was fired? A. No, sir.

Q. Well, what do you say; temporarily relieved?

The Court: Suspended.

A. Yes, temporarily relieved.

Q. At least, he was out? A. No, he wasn't out.

Q. Of presiding at Milwaukee? A. Just temporarily.

The Court: He was relieved of his duties of presiding up there until, as you said, he made up his mind regarding certain things. Is that approximately what you said?

The Witness: That is correct, your Honor.

*Redirect examination by Mr. Covington:*

Q. You were asked by counsel in cross examination just now regarding the reason for your reading the article entitled "Information". Would you give the reason why that was read?





Mr. Bruchhausen: I object to the reason.

A. And the purpose.

The Court: I don't recall any question calling for the reason. If I am wrong, will you tell me?

Mr. Covington: He asked: What did he do it for to injure him?

Mr. Bruchhausen: I ask him: Did he do it to injure the plaintiff? I didn't ask him the reason.

The Court: What is your question?

Mr. Covington: My question now is:

Q. What reason did you read it for?

The Court: I will permit it.

Mr. Bruchhausen: Exception.

A. That article "Information" was read in Milwaukee and the surrounding towns, first under instructions, as a zone servant, secondly, because I had been informed by Judge Rutherford himself that inquiries had been made from Wisconsin to have some one sent out there to investigate the situation. The statement was to the effect that the letter written by O. R. Moyle was being distributed in and around Milwaukee.

The Court: Mr. Rutherford told you that?

The Witness: Judge Rutherford told me that, yes, and on that basis I went out there and read "Information".

Mr. Covington: That is all.





*Recross examination by Mr. Bruchhausen:*

Q. When did Judge Rutherford tell you this?

The Court: Before you left for Wisconsin.

A. About two days before September 21st.

Q. You saw Judge Rutherford before you went out? That is, all the time between the end of August and September 21st you were at Bethel, down around Bethel, and the first time he told you about these letters was on September 21st? A. No. I said two days before that.

The Court: He said about two days before.

Q. About September 19th? A. About two days, as well as I can remember.

The Court: Nobody is finding fault when you say "about." We want your best recollection.

The Witness: I appreciate that.

Q. Do you recall any letters coming in from Wisconsin, arising out the article of September 1st entitled, also, "Information", dismissing Mr. Moyle for his "unfaithfulness"? A. I didn't read any letters.

Q. You read that article? A. I read that article.

Q. That article was published world-wide and distributed in the Watch Tower Magazine? A. I wouldn't say it was published world-wide.

By the Court:

Q. It went wherever the Watch Tower went? A. That wasn't world-wide then.





Q. Wherever the Watch Tower went? A. Not now.

By Mr. Bruchhausen:

Q. I am speaking of 1939. Didn't it go all over the world? A. No. I am not sure. I don't think it did.

The Court: Wherever the Watch Tower went, it went?

The Witness: That is correct.

Q. Will you say the Watch Tower wasn't distributed to any foreign countries in 1939? A. I wouldn't say that.

The Court: In other words, you are telling us you don't know?

The Witness: I am telling you I don't know that fact.

Q. So that you had a few letters that Mr. Rutherford talked to you about in September, 1939? A. I had a few letters?

Q. He mentioned a few letters A. He mentioned some letters.

Q. And you didn't see the letters? A. I didn't see the letters.

Q. You didn't know how many letters there were? A. He didn't tell me how many there were.

Q. You don't know what some zone servant who belonged to the organization was also writing in to the Watch Tower? A. I don't know.

Q. You didn't handle the correspondence from those servants and representatives of the Watch Tower out there in Wisconsin, did you? A. No, sir, I did not.





Q. Didn't you visit around the different places that you went to and ask for any letters or information they had about Mr. Moyle? A. No, sir, I did not.

Q. You were in charge of these zone servants, weren't you, or in charge of—what do you call them, "Companies"? A. You mean in Wisconsin?

Q. Yes. A. I was there as a zone servant.

Q. And you had supervision over these Company servants? A. I only had supervision over conducting service activities.

Q. Didn't you make recommendations to them? A. Not at that time. I wasn't there long enough.

Q. Had you gone out there before on any other mission? A. No, sir.

Q. Did you have any correspondence with them? A. None.

Q. You talked to these Company servants at the various places you visited, didn't you? A. Yes, sir.

Q. And didn't you ask them for any information they had about Mr. Moyle? A. I did not.

Q. And didn't you at that time or subsequently ask them to send in any letters that they might get about Moyle? A. I did not. They voluntarily gave to me the letters they had.

The Court: Now you are volunteering.

Q. So you didn't ask or make any inquiry of any of these servants in these particular places for any information that they might have about Mr. Moyle? A. No, sir, I did not.

Q. Didn't make any inquiries at all along that line? A. No, sir. I didn't make any inquiries.

Q. And yet you knew, when you left Brooklyn at the suggestion of Mr. Rutherford, that it was because of something about Mr. Moyle that you were going out there, didn't you? A. I went out there because of a condition that was existing.

Q. And didn't you think it important, in the line of that mission and your being a special representative of Mr. Rutherford, to get every bit of information you could about Mr. Moyle?

Mr. Covington: This is argumentative.

The Court: Objection sustained.

Q. But you were conscious, were you not, that the sole and specific purpose of your trip was the Moyle matter? A. I am trying to tell you, Mr. Bruchhausen, that the information was given to me voluntarily. I didn't need to ask for any.

The Court: He asked for the purpose of your trip.

Q. You mean each and every zone servant or every servant out there said, "Now, Mr. Howlett, we know what you are here for, and you have made your address and all, and here is what we know about Mr. Moyle, and here is whatever letters we have and everything else," and you didn't make any inquiry at all? A. Yes, sir, that is exactly what I mean to say.

Q. And that is the same procedure that developed all the way through there? A. May I qualify my statement?



Q. Did each servant follow the same routine of giving it to you? A. I want to qualify my statement. I purposely avoided having anything of the nature of a resolution or undue inquiry, so that each company would be left entirely to its own initiative. I merely presented the information.

Q. So you were very calm about this whole situation? A. Very calm, because it was very serious.

Q. This was just like going on a social call, wasn't it? A. No, sir. I don't go on social calls.

Q. You didn't think that this would cause any disturbance or was any attack on Mr. Moyle, did you? A. I don't understand your question.

Mr. Covington: I object. This is argumentative.

The Court: Objection sustained.

Q. It wasn't much more than a social visit?

Mr. Covington: That again is argumentative.

The Court: Objection sustained.

Q. It didn't perturb you at all to call Mr. Moyle a Judas, did it?

Mr. Covington: That again is argumentative.

The Court: Objection sustained.

Mr. Bruchhausen: No further questions.

Mr. Covington: That is all.

The Court: May I see both counsel?

(Court and counsel confer.)

The Court: I am going to excuse the



jury until nine-thirty Monday morning. Of course, do not discuss the case. If you see anything in the newspaper, please—

An Alternate Juror: Your Honor, can I be excused?

The Court: I am sorry. I cannot do it.

The Alternate Juror: This was supposed to be for a week. It may be two days over a week now.

The Court: I don't want you to think I am harsh. I think you are a little unfair in asking to be excused. This case won't take much longer. I have just been talking to counsel about it. We won't keep you much longer. The reason I adjourned until Monday is that you couldn't possibly finish the case today. That is what I have been talking to counsel about. Counsel, I am sure, have no objection to my telling you that. If there were any possibility of finishing today, I would sit this afternoon, regardless of my rotten cold.

(Whereupon an adjournment was taken until Monday, May 24, 1943, at 9:30 o'clock a. m.)



Brooklyn, N. Y., May 24, 1943,
9:30 a. m.

(Trial resumed.)

Mr. Covington: Arthur Worsley.

ARTHUR ALBERT WORSLEY, 124 Columbia Heights, Brooklyn, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are a minister of the Gospel associated with the Watch Tower Society? A. I am.

Q. How long have you been connected with the Bethel Family? A. I have been connected with the Bethel Family for thirteen years next June.

Q. How long have you been one of Jehovah's Witnesses? A. I have been one of Jehovah's Witnesses for fourteen years.

Q. Did you know Joseph F. Rutherford during his lifetime? A. I did.

Q. And I presume you became acquainted with him when you came to the Bethel Family, is that right? A. Yes, sir.

Q. During the years that you were acquainted with Judge Rutherford, did you have occasion to observe him preside as head of the table at the Bethel Home? A. Yes.

Q. Was he the head of the family? A. He was.

Q. It has been testified or it is in evidence from Mr. Moyle concerning an incident that took place at the Bethel table relative to your receiving, according to his letter, a public denuncia-



tion because you had prepared Scriptural topics. Now, will you please tell the Court and jury what took place on that occasion, if you recall, what you said and what the Judge said. A. Yes.

Q. How it came about, first. A. All right. I was assigned to our local service unit, the Brooklyn unit, as back call servant, and I had given a short talk regarding the conduct of Witnesses while making back calls, and to help them in this, I had prepared many scriptures and written them out on a sheet of paper, and some of them thought they were all right, and many people started to ask for them. Well, the requests got so many, that I started to mimeograph them, and they were spread around the city to quite some extent, and the people from the Bronx and from Long Island and New Jersey, parts of New Jersey and Staten Island, began to write in and ask for more of these sheets. So it amounted to the fact that I had to start almost a little printing business. I mimeographed some every night, several hundred sheets. In the course of the conversation at the Bethel table one day, it was brought to Judge Rutherford's attention that this was being done, and, of course, I was corrected in it because I was the representative of the Society and doing this printing without the proper authority.

Q. And did you make any statements before the family in that regard on the occasion in question? A. Well, when it was called to my attention, I admitted I was wrong, and later on I wrote a letter to Mr. Rutherford telling him that I recognized my mistake and that it would not occur again.



Q. What is the usual instrumentality or channel of communication that is employed between the Watch Tower Society and Jehovah's Witnesses? A. The Watch Tower magazine.

Q. And communications establishing policy with reference to the conduct of studies and matters of preaching the Gospel are handled through the Society's main office, is that not correct? A. That is right, yes.

Q. Were your publications going out through that channel? A. No, it was entirely under my own initiative.

Q. Did you consider that you had been unjustifiably and publicly denounced without cause at the table? A. No, sir.

Q. Did Judge Rutherford talk to you in an unkind voice on that occasion? A. No, sir.

Q. Did you ever at any time ask Mr. Moyle to complain to Judge Rutherford in your behalf? A. I certainly did not.

Q. You thought the incident was closed on that occasion, did you not? A. Yes, sir.

Q. During the years that you have been there, have you ever noticed the denial of freedom of speech by Judge Rutherford or the attitude of a boss over the brethren at the table? A. No, sir.

Q. Did you ever hear any filthy, foul or vulgar language and smut passed about the Bethel table? A. Absolutely not.

Q. Do you know whether or not liquor is glorified at the Bethel table? A. It isn't.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How old are you? A. Thirty-six, sir.

Q. How long have you been a minister? A. I have been a minister for thirteen years, ever since my ordination at least.

Q. How long did it take you to become a minister? A. I took about three years of study prior to my ordination.

Q. Attending classes? A. Yes, sir.

Q. Watch Tower classes? A. Yes, sir.

Q. This pamphlet that you got up—I show you a piece of paper and ask you if that is the pamphlet you prepared and have mentioned in your testimony here (handing to witness). A. That seems to be the one all right.

Mr. Bruchhausen: I offer it in evidence.

The Court: Show it to Mr. Covington.

(Paper handed to Mr. Covington.)

Mr. Covington: I do not see the materiality of it, your Honor.

The Court: Do you object?

Mr. Covington: I object to it on that ground.

The Court: May I see it?

(Paper handed to court.)

The Court: I do not see how it is material. I will sustain the objection.

Mr. Bruchhausen: I think it will be.

The Court: Then you may ask him later. At the present time we will mark it for identification.



(The paper referred to was marked Plaintiff's Exhibit 20 for identification.)

Q. And at what place did you have this paper prepared? A. That was prepared at the headquarters of the Brooklyn unit.

Q. Brooklyn unit of what? A. Oh, Jehovah's Witnesses.

Q. And where is that located? A. It is located at 101 Henry Street.

Q. And was there a company servant in charge there? A. Yes, sir.

Q. And did he know that it was being prepared and that it was at his acquiescence? A. It is doubtful that he knew about it—

The Court: Wait. We will get along if you will just answer the questions. When you say it is doubtful, do you mean to say you don't know whether he knew it or not, is that what you mean?

The Witness: Yes, sir.

Q. Who was the company servant there? A. The company servant at that time was one Carey Barber.

Q. And did he live at Bethel? A. He lived at Bethel.

Q. How many were in the class? A. There were approximately 320.

Q. And after this was prepared, was it read to the class? A. No, it wasn't read to the class after it was prepared.

Q. Was it distributed? A. It was distributed to those who asked for it.



Q. I assume you gave a copy to the company servant? A. No, he did not have one.

Q. Do you mean to say you went into that class and distributed it without any knowledge of the company servant? A. It was my job as back call servant to see that information was provided for these brethren who wished it.

Q. Who was in charge of the class, you or the company servant? A. The company servant.

Q. And you just went in there with this document and handed it around without any knowledge or authority of the company servant? A. I have explained that I gave a speech, and many of the people asked me for a copy, which I gave them without getting permission.

Q. How long before this correction by Mr. Rutherford had this paper been prepared? A. Well, of course, I don't remember exactly how long, but it must have been probably a couple of weeks, if I remember rightly.

Q. Hadn't you prepared other papers before that? A. No, sir.

Q. Mr. Rutherford did not speak to you privately about this, did he? A. No.

Q. So the first thing that you heard from Mr. Rutherford was in the open meeting? A. It was at the table, yes.

Q. And his remarks on it could be heard all over the dining room? A. They could be heard all over the dining room, yes.

Q. And he found fault with your having made up this paper, didn't he? A. He asked me why I did it without permission, yes.

Q. And he showed his displeasure about it,



didn't he? A. He told me that it wasn't the proper thing to do.

Q. Was he pleased or displeased about it? A. He certainly wasn't pleased, because we have a channel—

The Court: If you will answer the questions, we will get along better.

Q. So he was displeased about it? A. He was displeased, yes.

Q. And he spoke above a whisper, didn't he? A. Well, yes.

Q. And he was upset about it? A. Certainly.

Q. And he told you so in all the words that went to convey that? A. He told me I was wrong in doing what I did, yes.

Q. You say that afterwards you wrote a letter to him? A. Yes, sir.

Q. You did not go in to see him, did you? A. No, sir.

Q. Had you on other occasions written letters to him? A. I had written on some occasions expressing my appreciation for Watch Tower articles, yes.

Q. So you wrote a letter to him although you saw him in the dining room every day? A. Yes.

Q. And you could have spoken to him there? A. It was hardly convenient. Judge Rutherford was a very busy man, and it is quite hard to get to him on any occasion.

Q. Do you mean to say you never spoke to him in the dining room? A. Oh, I have spoken to him in the dining room, of course.

Q. But on this particular occasion, you thought



you had to write a letter? A. I did not speak to him then, no.

The Court: He asked you if you had to write a letter.

The Witness: Yes, I wrote a letter.

Q. On how many occasions did you talk to him in the dining room? A. I don't remember how many occasions I talked to him in the dining room; on one or two or three occasions, different times.

Q. You spend all your time going around to these various meetings, is that correct, of the Watch Tower? A. No, sir. I was assigned to one meeting, the one at 101 Henry Street.

By the Court:

Q. That is the Brooklyn company? A. Yes, sir.

By Mr. Bruchhausen:

Q. Do you also go out with literature? A. Yes, sir.

Q. You don't belong to any other organizations except the Watch Tower? A. None whatsoever.

Q. And you don't read anything of a religious nature excepting as it comes through the "Watch Tower"? A. Well, I have glanced over other religious papers, yes.

Q. What other religious papers did you glance over? A. Different ones that come in to my hands. I don't subscribe to any.

Q. What, for instance? A. Well, I have read Christian Science magazines and such like.



Q. All along that line? A. Yes. I don't make a habit of it. You cannot help but getting some, though.

Q. But your main attention is devoted to the literature that comes through the "Watch Tower"? A. Yes, sir.

Q. And you also subscribe to the belief that it is God's organization on earth? A. I certainly do, sir.

Q. And that Mr. Rutherford was head of God's organization on earth? A. Mr. Rutherford was one of the representatives of Jehovah God on earth, yes, sir.

Q. Who was the other one? A. There were many others. All Jehovah's Witnesses are representatives of Jehovah on earth.

Q. Were you an equal representative of God's organization on earth with Rutherford? A. All men are equal, states the Scriptures.

Q. You were equal? A. Yes, sir.

Q. And yet you listened to him correct you at the dining room table, is that it? A. Pardon me, sir?

Q. You were equal to Rutherford, but you listened to his correction at the dining room table? A. Judge Rutherford was President of the Watch Tower Society, and it certainly needs one to bring correction on such a position.

Q. So as an equal servant, you had as much to say as he did? A. I wouldn't say that. He was acting as President of the Society, and it is his job to make correction.

Q. So that made it somewhat unequal, didn't it? A. Well, as far as that goes, yes.

Q. He was head of the works? A. He was President of the Watch Tower Bible & Tract Society.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Mr. Worsley, on the occasion that this incident came before the family, you expressed yourself quite freely, did you not? A. Yes, sir.

Q. Did you have any fear of expressing yourself freely before the family on that occasion? A. I did not, no, sir.

Q. And did you explain it to the family as fully as you did to the jury here at that time? A. Yes.

Q. Had that paper been circulated or generally known to have been circulated in the Bethel Family at that time? A. No, I don't think it had been generally circulated.

Q. But the family knew of it? A. The family knew of it, yes.

Q. Do you recall whether or not someone put one of them at the head of the table that day when Judge Rutherford came to the dinner table? A. Yes, sir.

Q. Did you do it or did somebody else do it? A. It was somebody else that did it?

Mr. Covington: That is all.

*Recross examination by Mr. Bruchhausen:*

Q. What did Mr. Rutherford object to, your having made up a paper at all, is that it? A. Mr. Rutherford objected to me making up papers without the proper authority.



Q. He did not object to your citation of Scriptures here, did he? A. I wouldn't say objected to citation of Scriptures. That is our job.

Q. He did not say that you were mistaken in your Scriptures, did he? A. No, sir.

Q. So the paper was correct, was it not? A. I wouldn't say the paper was correct. It was the act of doing it without the proper authority that was wrong.

Q. What improper quotation of Scripture have you found on there?

Mr. Covington: That is not the point, if it please your Honor.

The Court: Objection sustained.

Q. So that his objection was to your circulating a paper at all? A. His objection was to circulating a paper without the proper authority.

Q. From him? A. From the Watch Tower Society.

By the Court:

Q. Which, in effect, would be from him? A. Yes, sir.

By Mr. Bruchhausen:

Q. And the only thing that the paper has are that they are citations of Scripture, is that right? A. That is all.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: Ralph Leffler.



RALPH H. LEFFLER, 1111 Woodrow Road, Eltingville, Staten Island, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You are a member of the Bethel Family stationed at Staten Island? A. Yes, sir.

Q. How long have you been at Staten Island as a member of the family? A. I came there in 1924, in February.

Q. How long have you known Judge Rutherford? A. About thirty-five years.

Q. After you came to Staten Island as a member of the Bethel Family, you became better acquainted with him, did you not? A. I did.

Q. During the years that you were at Staten Island, did you have occasion to be there when Judge Rutherford came to the Island? A. I did.

Q. And came to Staten Island headquarters? A. Yes.

Q. Have you ever seen Judge Rutherford preside at the head of the table? A. I did.

Q. At Staten Island? A. Yes.

Q. Have you had occasion to notice his attitude shown towards his brethren at the table? A. I did.

Q. Have you ever seen Judge Rutherford glorify the use of alcohol at the head of the table at Staten Island? A. I certainly did not.

Q. Have you ever heard him or any member of the Staten Island Bethel Family use filthy, smutty and dirty stories at the Bethel table? A. I did not.



Q. You are familiar with the house there at Staten Island and what it is used for, are you not? A. I am.

Q. Did Judge Rutherford have a room there? A. He did.

Q. Did other people live in the house when he was not there? A. Yes.

Q. And you have a room there, do you not? A. I do.

Q. Did Judge Rutherford discriminate in favor of his own accommodations over that of the other brethren?

Mr. Bruchhausen: I object to that.

Mr. Covington: I withdraw the question.

Q. You have been in the various rooms of the house, have you not? A. Yes.

Q. Are they all substantially of the same size, the bedrooms? A. Yes, they are.

Q. That is, the bedrooms occupied by the various brethren are substantially of the same size? A. Yes.

Q. They all have beds, dressers and usual bedroom accommodations, do they not? A. They do.

Q. What duties do you perform there, at Staten Island? A. Transmission engineer of the radio station WBBR, and also minister of the Gospel.

Q. And are you familiar with the shack, what has been referred to in this evidence as the screened-in shack that was used by Judge Rutherford in the summertime? A. I didn't see the evidence.



Q. I mean are you familiar with the shack— A. Yes.

Q. (Continued)—that was occupied by Judge Rutherford? A. Yes.

Q. What was that used for, if you know? A. It was used as a place for Mr. Rutherford to do much of his work in the summertime, warm weather.

Q. Did you ever hear Mr. O. R. Moyle complain to you about conditions at Staten Island? A. I did not.

Q. Did you ask Mr. Moyle to make a complaint to Judge Rutherford in behalf of any condition at Staten Island? A. I did not.

Mr. Covington: That is all.

The Court: I think you had better ask him one more question, if he knows Mr. Moyle.

Q. You know Mr. Moyle, do you not? A. I have known him since the year 1926.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. Mr. Leffler, how large a tract is this place at Staten Island? A. About twenty-two acres.

Q. And is there a truck farm there? A. Yes, there is.

Q. And how many buildings on the property? A. Well, there must be ten or twelve.

A. And can you describe them, what each building is, roughly? A. The main residence is a large house; another building which houses the radio broadcasting transmitter; another which is a laundry, a smaller building; and then there is



a garden shop; there is a blacksmith shop; and then there are a number of chicken houses, broiler houses; and the power house for generating electrical power.

Q. And in 1939, how many people were quartered over there, about? A. Approximately twelve.

Q. And did they all live in one house? A. No, they did not.

Q. Was there a main house where most of them lived? A. Yes.

Q. And did that have a dining room? A. That did.

Q. This house that Mr. Rutherford stayed at, what did that consist of? A. Well, that was a large residence, three floors. It was a building—

By the Court:

Q. Is that the house that most of the people stayed at? A. Yes.

By Mr. Bruchhausen:

Q. What did it have; a dining room, too? A. Yes, dining room.

Q. And a kitchen? A. Bedrooms and parlor, kitchen.

Q. When Mr. Rutherford came there, his party stayed at the house, did they not? A. They did.

Q. His secretarial staff? A. Yes.

Q. Mrs. Heath, formerly known as Bonnie Boyd, usually went over there with him, didn't she? A. Yes.

Q. Who else usually was in the party? A. Just Mr. Rutherford and his secretaries, his private secretaries.

Q. And he usually came over there on week-ends, didn't he? A. He did.

Q. Some time around Thursday and stayed until Monday? A. That is right.

Q. And did any of the other boys from Bethel come over there and spend week-ends? A. They did.

Q. How many? A. Well, that would vary. Sometimes one or two, sometimes ten or twelve would come out to work in the garden.

Q. But they came over there to work, didn't they? A. They all came to work.

Q. They came over there to work weeks at a time, didn't they? A. No days at a time, the week-ends, Saturdays and Sundays.

Q. When you needed extra help on the farm? A. That is right.

Q. That was just on those occasions when you needed somebody to help out? A. That is right.

Q. You also believe this is God's organization on earth? A. I certainly do.

Q. And that Mr. Rutherford was head of God's organization on earth? A. No man is head of God's organization. Christ Jesus is the head.

Q. What is your definition of his position in the organization? A. He is the legal representative of the visible organization here upon earth, the Society, the President of the Society.

Q. And the directing force of it? A. Well, he is the head of it legally.

Q. Do you believe he is resurrected? A. Yes, I do.

Q. Still living? A. Invisibly, yes.



Q. And you read the "Watch Tower" and have for a great many years? A. I do.

Q. And that has been your source of religious instruction for all these years? A. Yes.

Q. You don't pay any attention to any other instruction along that line? A. I read other magazines and glance over other articles, yes.

Q. Religious magazines? A. Yes.

Q. Which ones? A. Well, religious items in the newspapers and different magazines, "News Week" and such as that. I don't subscribe to any religious magazine.

Q. But you have all these years accepted what you read in the "Watch Tower," have you not? A. Primarily, yes.

Q. Did you ever dissent from anything that was in there? A. Something at the time when it came out I could not agree with.

Q. Do you recall what they were? A. Right now I don't believe I can.

Q. Do you recall this one about Christ having suffered for the obedient ones? A. No, I do not.

Q. Did you ever tell anybody you disagreed with them? A. No, I did not.

Q. Did you tell Mr. Rutherford about it? A. No.

Q. Did you ever express any dissatisfaction with any of the work or anything to Mr. Rutherford? A. I did not. I had no occasion to.

Mr. Bruchhausen: No further questions.

*Redirect examination by Mr. Covington:*

Q. Mr. Leffler, when Judge Rutherford would



come out, did he come out for the purpose of doing work or vacation?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained as to form.

Q. What did Judge Rutherford do on the occasions that he came out?

The Court: If you know of your own knowledge.

Q. (Continued) If you know of your own knowledge, when he came out week-ends. A. He came out to work. He did much of his writing while he was out there on this property.

Q. You do not disagree with any of the current truths advocated by the "Watch Tower," do you? A. I do not.

Mr. Bruchhausen: I object to the word "truths" as a conclusion. There may be some question about whether they are true or not.

The Court: Objection sustained. It is a conclusion.

Mr. Covington: We except.

Q. You are in full harmony with the current policy of the Watch Tower Society, are you not, Mr. Leffler? A. I am.

Q. And if you did not understand an article immediately, why you would attempt to study it with the Bible until you did understand it better, is that right? A. That is right.

Q. You attend the Watch Tower studies, do you not? A. I do.



Q. How often do you attend the Watch Tower studies? A. We have Watch Tower studies once a week.

Mr. Covington: That is all.

*Recross-examination by Mr. Bruchhausen:*

Q. Haven't you found conflicts in the Bible at any time?

Mr. Covington: This is argumentative, if your Honor please.

The Court: Objection sustained.

Q. This house in the woods that has been mentioned here, how far was that from the main establishment? A. I should judge about 400 feet, 500 feet, thereabouts.

Q. Was it on the property? A. Yes, sir.

Q. And how large a building was that? A. It was a camp, perhaps 15 feet square, thereabouts.

Q. How many rooms? A. One, an open camp.

Q. When was that constructed? A. I do not know. I wasn't there at the time.

Q. And no one else used it but Mr. Rutherford? A. Not to my knowledge.

Mr. Bruchhausen: All right.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: Helen Howlett.



HELEN RUTH HOWLETT, 124 Columbia Heights, Brooklyn, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. You will have to talk louder than you do ordinarily in conversation, please. Your husband is who? A. Matthew Arnold Howlett.

Q. He is one of the defendants in this action, is he not? A. Yes, he is.

Q. How long have you been a member of the Bethel Family, please? A. Since August, 1934.

Q. And did you come to Bethel with your husband? A. Yes, I did.

Q. And where were you and your husband married? A. In Cleveland, Ohio.

Q. How long did you remain at the Bethel Home? A. Until July, 1938.

Q. And why did you leave the Bethel Home in July, 1938? A. Because my husband was sent out on an assignment, and I had the privilege of going with him.

Q. And he was away about a year, is that right? A. A year and three months.

Q. And you returned to Bethel in 1939 and have been there ever since, is that right? A. Yes, in August.

Q. During the years that you have been at Bethel, you were acquainted with Judge Rutherford, were you not? A. Yes.

Q. And did you know him before you came to Bethel? A. Yes, I did.

Q. Based on your association with Judge Rutherford, could you tell whether or not he was a kindly disposed man or not? A. I would say he was, very kindly.



Q. Have you seen him preside at the head of the Bethel table? A. Yes, I have.

Q. At any time that you have been there, have you noticed him deny liberty of speech and freedom of expression to his brethren? A. No, I haven't. He always asked for their expressions.

Q. I am sorry, I did not hear you. A. He always asked for their expressions.

Q. Have you ever heard any glorification of alcohol by Judge Rutherford or others at the table? A. No, I haven't.

Q. Have you ever heard filthy, dirty and smutty stories passed about the Bethel table? A. No, I haven't.

Q. It has been testified that you had a conversation with Mr. Moyle and stated in his presence that one had to get used to filthy, dirty and smutty stories when they became a member of the Bethel Family. Did you ever make such a statement to him at any time? A. No, I most certainly did not.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. When did you say that you arrived back at Bethel in 1939? A. In August.

Q. And you were away from there from July, 1938? A. Yes.

Q. And what part of the country were you in during that time? A. Cleveland, Ohio.

Q. Were you working for Watch Tower there? A. Yes.

Q. In what capacity? A. Well, I was doing pioneer work, and my husband was the zone servant in northern Ohio.

Q. Will you raise your voice? You were doing pioneering, you say? A. Yes.

Q. And what did that consist of? A. It consists of going from door to door preaching the Gospel of the Kingdom.

The Court: Mrs. Howlett, will you speak a little louder so you don't have to repeat?

The Witness: I will try.

Q. Did you have a phonograph with you? A. Yes, I did.

Q. And books and tracts and copies of the "Watch Tower"? A. Yes.

Q. And you would receive contributions for those articles? A. Yes.

Q. And you would tell them what amount of contribution—

Mr. Covington: This matter is immaterial, I believe, your Honor. It has been gone over so many times. It does not pertain to anything that she has been questioned about.

The Court: Objection overruled.

Mr. Covington: Exception.

Q. You would tell them the amount of contributions you expected for these various tracts and books, would you not? A. Well, yes, at various times.

Q. And usually would receive them? A. Sometimes.

Q. How long were you a Jehovah's Witness prior to your marriage? A. Since 1925.

Q. And what place did you live at at that time? A. Cleveland.



Q. Is that where Mr. Howlett came from? A. No.

Q. Had you visited Bethel between 1925 and 1935? A. Yes.

Q. Well, your husband traveled a great deal, did he not, even while he resided at Bethel? A. Yes, he did.

Q. And did you travel with him? A. No.

Q. You have been present in the dining room when Mr. Rutherford had occasion to voice his objections about certain individuals and what they did that displeased him, have you not? A. Yes.

Q. In other words, that is the means that he invariably used for correcting people?

Mr. Covington: Your Honor, that is argumentative.

The Court: Objection overruled.

Mr. Covington: Exception.

Q. Wasn't that the means he usually used for correcting those with whom he found fault? A. Yes, certainly.

Q. And he had an unusually loud voice, did he not? A. I would say not.

Q. Much louder than yours, was it not? A. Well, slightly louder than mine.

Q. You don't want this jury to gather that he indicated his displeasure in a conversational tone, do you? A. No, he didn't. We have amplification at the table purposely so everyone can hear.

Q. Wasn't he a man of some emotions? A. Why, naturally.

Q. And these would come in to play when he was displeased, would they not? A. Naturally.



Q. And the greater the displeasure about some item that came up, the greater his emotion on that occasion? A. Yes.

Q. Were you there when the boys came back after the Madison Square Garden incident? A. No.

Q. You were away at that time? A. I was away at that time.

Q. Were you there when he had occasion to talk to Mr. MacAuley? A. I believe so.

Q. And he was pretty much exercised, Mr. Rutherford was, on that occasion, wasn't he? A. Well, yes, naturally.

Q. That is, he did not want Mr. MacAuley to go out and rearrange this calendar the way—

Mr. Covington: That is assuming something not in evidence, if your Honor please.

The Court: Objection sustained.

Q. But he did express himself forcefully on that occasion? A. Yes, he always expressed himself forcefully when there was anything incorrect or wrong.

By the Court:

Q. And he decided whether it was incorrect or wrong? A. No; the policy of the Society.

Q. And who decided the policy of the Society? A. I suppose he did as legal representative or head of the Society.

By Mr. Bruchhausen:

Q. So you heard him express forcefully on occasions when he was displeased in the dining room, on a number of occasions, did you not? A. Yes.



Mr. Bruchhausen: No further questions.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: George Hannan.

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GEORGE EDWIN HANNAN, 124 Columbia Heights, Brooklyn, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Hannan, how long have you been a member of the Bethel Family? A. Since 1922.

Q. How long have you been one of Jehovah's Witnesses? A. Since 1916.

Q. How long did you know Joseph F. Rutherford during his lifetime? A. Since 1916.

Q. And after you became a member of the Bethel Family, you saw him quite frequently at the dinner table, did you not? A. Yes, sir.

Q. And you have had occasion to hear him talk and see his attitude quite a bit, have you not? A. Yes, sir.

Q. Have you ever at any time heard filthy, dirty and vulgar stories passed about the Bethel table? A. Absolutely not.

Q. Have you ever noticed Judge Rutherford deny his brethren the right to express themselves at the table? A. No, sir.

Q. Have you ever noticed ill treatment by him of the Bethel Family? A. No, sir.

Q. Was the use of alcohol glorified at the table at Bethel, please? A. No, sir.



Q. You recall the preparation arranged for the Madison Square Garden meeting, did you not, Mr. Hannan? A. Yes, sir.

Q. What, if any, connection did you have with that, please? A. I was the head usher at the scene of the meeting.

Q. And in the preparation of these plans, whom did you deal with and who had other authorities? A. I dealt with Mr. Heath and Mr. Knorr.

Q. Mr. Heath was Judge Rutherford's secretary and a member of the Bethel Family at the time, is that right? A. Yes, he was the superintendent of the ushers.

Q. And Mr. Knorr was Vice President of the Society at that time and had something to do with the preparation of the convention, did he not? A. He was Judge Rutherford's manager of the convention.

Q. Do you recall the instance of June 25, 1939, the day that the Madison Square Garden was invaded and the speech interrupted? A. I do.

Q. Were you there at that time? A. Yes, sir.

Q. Do you recall the place where the disturbance took place or occurred? A. Yes, sir.

Q. Where was that in reference to the speakers' platform? A. It was the upper balcony in back of the speakers' platform.

Q. What was the general plan of arrangement for the provision of ushers in all areas throughout the Garden? A. The entire Garden had been divided or segregated into sections according to the chart that the Garden furnished, and captains were assigned to each section and ushers to each captain; about fifty to each captain.



By the Court:

Q. And you had charge of all ushers, did you? A. That is right.

By Mr. Covington:

Q. Do you recall the provisions that were made for extra ushers after the sections had filled up? A. Yes, sir.

Q. What was the provision in that regard? A. After the fifty had been assigned to each captain, then everyone that came and volunteered their services as ushers was added to these different areas. There was a considerable number of them.

Q. Threats had been made to disturb the meeting, had they not, before the meeting was held, is that correct? A. Yes, sir.

Q. You heard that? A. (No answer)

Q. What arrangements had been made in the event of a disturbance for the ushers to do? A. We had placed additional ushers in all the areas that we thought were necessary and the most needed.

Q. Was there any such provision made for the area above the speakers' platform on that occasion? A. No.

Q. Whose responsibility was it to see that that was carried out? A. That was my responsibility.

Q. Were Mr. Heath and Mr. Knorr also involved in that with you? A. Yes.

Q. Was the area filled out at the time the speech began? A. No, sir.

Q. When did it begin to fill up, if you remember? A. Well, approximately about ten minutes after the speaker had started.

Q. Did you fill up rapidly? A. Very rapidly.

Q. After the disturbance was over, there were some arrests made, were there not? A. Yes, sir.

Q. You, of course, were not involved in those, were you, Mr. Hannan? A. No, sir.

Q. After the Madison Square Garden meeting had been held, the disturbance had been a matter of consideration by members of the Bethel Family for some time, had it not? A. Very much so.

Q. Was the matter discussed at the table amongst all the brethren that had been ushers and those that had been present? A. Yes, sir.

Q. Concerning the invasion of the Garden by the Coughlinites that came in? A. Considerable discussion.

Q. Do you recall the occasions that Judge Rutherford was at the table, head of the table, after the Madison Square Garden incident and during which there were discussions? A. Yes, sir.

Q. Do you recall making any statement yourself at the table regarding the Madison Square Garden trouble and preparation and the part done by the ushers? A. I did.

Q. Do you recall any statements that were made by Judge Rutherford? A. Yes.

Q. Was that at the dinner table? A. Yes.

Q. Will you please tell how the matter originated and what you said and what he said, if anything? A. Well, Judge Rutherford was considerably concerned about the meeting and how it had gone over—

The Court: Mr. Covington asked you what he said to the general assembly and what you said to the general assembly.

The Witness: Judge Rutherford ex-



pressed himself to that effect, that he was deeply concerned about the assembly and how it proceeded.

Q. Was the assembly tied in by telephone wires with radio and recording apparatus with other parts of the country? A. Yes, sir, I had special instruction on that.

Q. And was that the reason for the importance of not having any interruptions? A. Absolutely.

Q. What was said by you on that occasion at the dinner table? A. Well, I stated I felt that an explanation was necessary to Judge Rutherford for the way the ushering had been conducted, and I felt that I had fallen down on the job in providing ample ushering in the area where the disturbance occurred.

Q. What else was said? A. Well, I stated that I had been influenced somewhat by some of the Garden officials. They said "Well, you would not fill that area anyway," and they usually roped it off, and the acoustics were not so good there, the horns did not put the amplification in that area so well, and that we did not have to give it serious concern anyway.

Q. Did you state anything concerning the importance of seeing the speech go over without interruption? A. Yes, I did.

Mr. Bruchhausen: Where was this stated and when? Is this at the dinner table?

The Witness: At the Bethel table, yes.

By the Court:

Q. And this is to the brethren assembled there? A. Yes.



By Mr. Covington:

Q. What, if anything, did you say? A. Well, I stated that I had neglected to assign additional ushers to that area and providing ample protection.

By the Court:

Q. And that you had relied on the people in Madison Square Garden, as you told us before? A. That is correct.

By Mr. Covington:

Q. And you knew that you had instructions to have an adequate number of ushers, didn't you? A. Yes.

Q. Did you make any statement with reference to the spot? This was a vulnerable spot, was it not? A. Yes. After the disturbance started, I mentioned at the table that I realized then that a bad mistake had been made, because the very spot that was the most open to the speaker was the one that had the least amount of ushers in it.

Q. Did you have an opportunity to express yourself fully on that occasion? A. Yes, sir.

Q. During that time did Judge Rutherford say to you, when you began to speak, "That is enough, Brother Hannan. I don't want to hear any more about it"? A. No, sir.

Q. Did he cut you off like that? A. No, sir.

Q. What, if any, statements did Judge Rutherford make after you got through talking, if you recall? You don't have to remember the exact words, but the substance. A. The sum and substance of it was, he said "Well, what happened at Madison Square we cannot correct or



do over, but we want to consider this matter for the future meetings and conventions that we have so that ample protection will be provided."

By the Court:

Q. In other words, you say the sum and substance is that he told you you should have learned by what was done at Madison Square Garden? A. That is right.

By Mr. Covington:

Q. Were you offended and mistreated by the Judge on that occasion? A. No, sir.

Q. Did Judge Rutherford call you a sissy—A. No, sir.

Q. Or anybody else a sissy? A. No, sir.

Q. Did you get publicly upbraided and reprimanded because of your handling of the matter? A. No, sir.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. Preliminary to this Garden meeting, some discussions were had as to the plans for it, weren't there? A. Yes, sir.

Q. And much was written down about what was to be done over there? A. Some written instructions. I wouldn't say "much."

Q. Well, there were instructions written about the ushering and the taking care of the garden? A. Yes, sir.

Q. Have you brought with you here this morning a copy of those instructions that were written down? A. No, sir.

Q. When did you last see them? A. I haven't



seen those since after the meeting, about a week after the Madison Square Garden meeting.

Q. What did you do with your copy? A. I destroyed it, as far as I can recall.

Q. Have you talked with the attorney about your testimony here today? A. Yes, sir.

Q. Did you talk with the other directors? A. No, sir.

Q. Did you hear one of your colleagues in Bethel testify about something said as to "sissy" at the dinner table? A. Yes, sir.

Q. And you now say that was not mentioned at all? A. The word "sissy" was mentioned.

Mr. Covington: I asked the question was he called a sissy—

The Court: Please, if you have an objection, make it.

Mr. Covington: That is my objection.

The Court: He did not say it. The objection is sustained.

Q. You say that the word "sissy" was mentioned? A. Yes, sir.

Q. Who mentioned it? A. Judge Rutherford.

Q. And he mentioned it right out in the dining room, didn't he? A. Yes, sir.

Q. So that everybody could hear it? A. Yes, sir.

Q. And he mentioned it in a note of displeasure, did he not? A. Well, I wouldn't necessarily say that.

By the Court:

Q. Well, what would you say? A. He just mentioned it in general conversation, using it as an illustration.



By Mr. Bruchhausen:

Q. Did he seem pleased that you were sissies, as he said? A. He didn't say that we were sissies.

Q. Whom did he call a sissy, himself? A. He said the Scriptures directly indicated that a Christian did not have to be a sissy. He had a right to keep order in a Christian meeting.

Q. Did you gather when the reference to the Scriptures and the word "sissy" was used, that he was talking about something else, somebody else other than the ushers? A. He was using that as a policy, as a Scriptural policy.

Q. So you did not take it that he was referring to the ushers at all? A. No, sir, not individually.

Q. And you took it that you were being praised for what you did there? A. No, sir.

Q. Well, he was displeased, was he not? A. Yes.

Q. And he said so above a whisper, did he not? A. Yes, sir.

Q. A loud tone of voice? A. Reasonable enough for two hundred people to hear.

Q. And he was upset about this incident at the Garden? A. He was disturbed.

Q. Because things had not gone along as he had planned them, isn't that right? A. That is right.

Q. And this meeting at the dinner table was shortly after the Garden meeting, was it not? A. Yes, sir.

Q. How many ushers were there in the Garden? A. Anywheres from five to six hundred total.

Q. And is it not a fact that in these written instructions, special provision was made for the ushers in the rear of the speakers' platform? A. There was a certain number assigned to each section.

Q. And is it not a fact that in those written instructions, there were more ushers assigned in accordance with the space proportionately than in other parts of the Garden? A. No, just the opposite.

Q. Who made up the instructions? A. I received them through Judge Rutherford's secretary, Mr. Heath.

Q. Mr. Rutherford had something to do with making them up, did he not? A. I don't know. I presume—

The Court: If you don't know, tell us you don't know.

The Witness: I don't know.

Q. How many ushers in the Garden did those instructions call for? A. Fifty to each section.

Q. And you brought that number of ushers over there? A. Yes.

Q. That is, you had exactly enough ushers for the plans and instructions that had been made up? A. No, not exactly.

By the Court:

Q. Approximately? A. Yes.

By Mr. Bruchhausen:

Q. So that there was no failure on that score, on the number of ushers? A. As far as assigning the fifty to each section, there was no failure in that.

Q. There was no departure—



By the Court:

Q. There was no failure to carry out the instructions that you got from Mr. Heath as far as the number of ushers was concerned? A. Yes, there was.

Q. What was the failure? A. We were instructed later—

Q. No, we are talking about the instructions that you got originally. Was there any failure to follow those instructions in so far as the number of ushers was concerned?

Mr. Covington: The last instruction would be the one binding on him, if your Honor please.

Mr. Bruchhausen: I object to any statement by counsel.

The Court: Just a minute, gentlemen. I see what he has in mind. I am merely trying to clear it up quickly.

Mr. Covington: If there was an amendment—

Mr. Bruchhausen: I object to testimony by counsel. If he wants to testify, let him take the stand.

The Court: Yes, please don't.

Mr. Bruchhausen: I want to see what this witness knows about it.

Mr. Covington: Let him answer the question, then.

By the Court:

Q. The instructions that you received from Mr. Heath or the written instructions that Mr. Heath handed to you in so far as the number of



ushers was concerned in Madison Square Garden and particularly in each section, did you comply with those instructions? A. Maybe there was one point I should make clear—

Q. No. Answer that question, please. A. I would say no.

The Court: He said he did not comply with the instructions that he received from Mr. Heath.

By Mr. Bruchhausen:

Q. Well, you did comply with the instructions as far as bringing over approximately the number of ushers called for? A. In the original setup.

The Court: That is what we are talking about. You will get plenty of opportunity later. Don't try to anticipate questions. You only hold up the trial. Mr. Covington will have something to ask you in further questions, if there were any.

The Witness: I am sorry.

By Mr. Bruchhausen:

Q. By the way, when you talked to Mr. Covington recently, was anything said about the written instructions? A. No, sir.

Q. Did you or he mention anything about those written instructions? A. No, sir.

Q. In the written instructions, mention was made as to how the ushers were to be placed in the Garden, isn't that right? A. Generally speaking, yes.



By the Court:

Q. Did you live up to those original instructions? A. The original ones.

The Court: That is all we are talking about now. Please confine yourself to those now.

The Witness: That is right.

By Mr. Bruchhausen:

Q. And the original instructions also provided for the number of ushers for the portion of the Garden back of the speakers' stand? A. That is right.

Q. And that was complied with? A. That is right.

Q. So that everything in the written instructions from Mr. Rutherford—

The Court: He said he received them from Mr. Heath.

Q. But they were prepared by Mr. Rutherford, weren't they? A. I don't know.

Q. Mr. Heath was the secretary or the husband of the secretary to Mr. Rutherford, was he not? A. Yes, sir.

Q. Had you on other occasions received instructions from Mr. Heath? A. No, sir.

Q. Well, you knew they came from Judge Rutherford, didn't you? A. Yes, sir, they came from his office.

Q. And you say you had some change in the instructions, is that correct? A. Yes, sir.

Q. When was the change made? A. During the day of the meeting.

Q. Was it during the speaking? A. No, sir.



By the Court:

Q. Before the meeting opened? A. Yes, sir.

Q. Before you opened the meeting? A. Yes, sir.

Q. Where was the change made, by whom and how? A. If I recall correctly, it was about eleven o'clock in the morning the day of the meeting—

Q. Where? A. That additional instructions were received.

Q. Where? A. At the Square.

Q. And who gave them to you? A. I received them from Judge Rutherford's secretary, Mr. Heath.

By Mr. Bruchhausen:

Q. This is the second set of written instructions, is that correct? A. That is correct.

Q. And how long before the speaking began did you get those instructions? A. It was about five hours.

Q. And did you bring a copy of those to court? A. No, sir.

Q. When did you last see them? A. I never saw them after that day.

Q. What did you do with your copy? A. I sent—I am not sure what became of it.

Q. Were they typewritten? A. Some of it was and some of it wasn't.

Q. What were the "Some" that were not typewritten? A. Well, pertaining to the fact that information had been received that trouble was expected at the Square.

Q. When did you bring the canes over to the



Garden? A. I didn't take any canes to the garden.

Q. When were the ushers furnished with canes? A. Some time before the meeting.

Q. How long before the meeting? A. As the different ushers signed up and reported. It covered considerable time.

By the Court:

Q. Who gave out the canes? A. One of my assistants.

Q. Where did you get the canes from? A. They were provided by the Society.

Q. Who brought them over to Madison Square Garden? A. I don't know.

Q. Who delivered them to you? A. They came in a station wagon, but I don't know who delivered them.

Q. Who delivered them to you? A. They just placed them at the location of the head usher.

Q. And then you assigned somebody else to distribute them? A. That is right.

By Mr. Bruchhausen:

Q. So you had the canes before you had this second list of instructions? A. That is right.

Q. And you knew what the canes were for, didn't you? A. Yes, sir.

Q. They were not just ornaments, were they? A. They were for identification.

Q. Only for identification? A. Well, they were used to block off aisles, if necessary. The building was expected to be filled.

Q. Then they were not to be used to tap peo-

ple on the neck with, were they? A. Not necessarily.

Q. Had you attended any other meetings before this Madison Square Garden? A. Yes, sir.

Q. And you have had some disturbances before in your career, haven't you, at these meetings? A. Very little. Nothing like that. Maybe an individual person.

Q. But you have had some? A. Very little.

Q. And you have known of disturbances arising out of disagreement between the policies of the Watch Tower and of some other organizations? A. Oh, a lot of people disagree with us. They have a right to.

Q. Don't you know that the disagreement—

Mr. Covington: Your Honor, this is all argumentative and immaterial.

The Court: Objection sustained.

Q. What was the change in instructions, this second set of instructions, after you got the first one? A. It wasn't necessarily a change. It was an addition.

The Court: Please, sir, please try to answer the questions and we will get along. Please believe that you do not have to anticipate what is going to be asked. That is what Mr. Covington is defending.

The Witness: The change was that additional ushers should be provided in the most vulnerable spots.

By Mr. Bruchhausen:

Q. Did it say what the vulnerable spots were? A. Yes.



Q. Which ones? A. Back of the speakers' stand.

Q. Was that the only one mentioned? A. Primarily.

Q. Did it say how many ushers you should put there? A. No.

Q. And did you put additional ushers there? A. No.

Q. So you violated that part of the instructions? A. That is right.

Q. You did not have any more ushers over there, isn't that correct? A. Well, we could have gotten more.

Q. Well, you did not have any more over there? A. We did not place any more in that area.

Q. And you did not have any more ushers with you to place, did you? A. We could have gotten some more.

By the Court:

Q. Did you have any more? A. Yes.

By Mr. Bruchhausen:

Q. Where were they? A. They were on the first floor underneath the speakers' stand.

Q. But they were assigned to duties, were they not? A. They were just a reserve.

Q. And that reserve was set up pursuant to the original instructions; didn't the original instructions provide for a reserve? A. No. It said fifty to each area.

Q. What set of instructions provided for reserves? A. The second.

Q. So this was five hours before the meeting? A. Yes.



By the Court:

Q. And you say that the second set of instructions prescribed for some reserve ushers to be placed downstairs where you have indicated? A. Yes.

By Mr. Bruchhausen:

Q. So you did follow the second set of instructions to the extent of assigning the available ushers to the reserve, did you not? A. There were some reserves.

Q. So, in other words, every usher that was in and around the Garden belonging to the Watch Tower organization was assigned to duty pursuant to the instructions?

Mr. Covington: That is argumentative, if your Honor please.

A. No.

The Court: Objection sustained. Strike out the answer.

Mr. Bruchhausen: Exception.

Q. Which ones were not assigned to duties over in the Garden? A. The reserve ones.

Q. Weren't those instructions on the reserve assigned there because of the second instructions? A. No, they had no assignment.

Q. Didn't you just say that the second list of instructions provided for a reserve?

Mr. Covington: He is getting into argument, if your Honor please.

The Court: Objection overruled. He didn't say that. Exception to the defendant.



The Witness: They were assigned to other areas.

The Court: Will you read the question to the witness?

(The question was repeated by the stenographer.)

The Court: And now read the answer.

(The answer was repeated by the stenographer.)

By the Court:

Q. Did you say it or not? A. No.

By Mr. Bruchhausen:

Q. You want us to believe that there was nothing in the instructions about a reserve? A. It stated "Add additional ushers to the areas aside from the fifty."

Q. And it said nothing about a reserve? A. No. That was my own arrangement.

Q. How old were these ushers on the average? A. I don't know.

Q. Were they young boys or middle-aged men? A. No, sir. They were all—no boys were assigned.

Q. Well, they were young men, were they not? A. I think there was men there all the way from young men to old men. Anyone that came along and volunteered, we assigned them.

Q. Were there not some young men? A. Yes, sir.

Q. And the larger part of them were young men? A. I don't know.

Q. Well, you were in charge of them, were you not? A. Yes, sir.



Q. And you have been with them in Bethel for years? A. Yes, sir.

Q. And you can tell whether a man is middle-aged or not, can't you? A. We take up everybody that came along, and they were about fifty-fifty.

Q. They were mainly boys that worked in the factory? A. Some of them.

The Court: He asked you "mainly." Were they mainly?

The Witness: They were included.

The Court: Were they mainly boys that worked at the factory or not?

The Witness: No.

Q. At least the boys who were ushers were on the job there? A. Yes.

Q. They did their job? A. (No answer.)

Q. Every usher did the job that he was assigned to? A. Yes.

Mr. Covington: That calls for a conclusion, if your Honor please.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

Q. So that the only thing you want to tell us here is that you fell down on the job, is that correct? A. That is right.

Q. It was not the ushers who fell down on the job? A. Well, individually I am not acquainted with what each usher did.

Q. But as far as you know, the individual ushers carried out their assignments and duties, didn't they? A. There wasn't enough in that particular area.



The Court: That was your job—please listen and don't try to make statements and we will get along faster. Please answer the question. Repeat that question, please.

(The question was repeated by the stenographer as follows:)

"Q. But as far as you know, the individual ushers carried out their assignments and duties, didn't they?"

The Witness: I don't know.

By Mr. Bruchhausen:

Q. Well, you were in charge of them, weren't you? A. Yes, but I wasn't at the scene of trouble.

Q. Didn't you supervise? A. Yes.

Q. As far as you know, they carried out the duties assigned to them? A. As far as I know.

Mr. Covington: If your Honor please, that is hearsay and immaterial.

The Court: Objection overruled.

Q. And you believe that this organization is God's organization on earth? A. Absolutely.

Q. And Mr. Rutherford was the agent of God's organization on earth? A. He is the servant of Jehovah God, one of his Witnesses.

Q. He was in charge of it? A. He was the president of the organization.

Q. And you have for a number of years taken your instructions from the "Watch Tower" publications and believe them, have you not? A. That is correct.

Q. And you have never dissented with anything that the "Watch Tower" has gotten out? A. No, sir.

Mr. Bruchhausen: No further questions:

By the Court:

Q. When Mr. Rutherford discussed at the Bethel table the question of the Madison Square Garden incident, was his complaint or instruction, whatever you choose to call it, in so far as the number of ushers or the activity of the ushers? A. The activities.

Q. There was no complaint about the number of ushers? A. Yes, I would say that in that particular area.

Q. Was it a complaint both of the activity of the ushers and the— A. That is right.

By Mr. Bruchhausen:

Q. At the time that Mr. Rutherford was complaining at the table, did he have copies of the instructions with him? A. I don't know.

Q. He was upset and disturbed because of the trouble back of the speakers' stand, was he not? A. Yes, sir.

Q. And didn't he show his displeasure about it? A. Yes, sir.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. Did you know what was going on on the part of all of the six hundred ushers that were in the auditorium?





The Court: He said about five hundred.

Q. Five hundred? A. No, sir.

Q. On the occasion that you were at the Bethel table, did you talk loud enough to be heard by those in the dining room? A. Yes, sir.

Q. Was it your intention to talk loud enough to be heard by the others? A. Yes, sir.

Q. And did you do it for the benefit of the family? A. Yes.

Mr. Covington: That is all.

*Recross-examination by Mr. Bruchhausen:*

Q. But you did not object to what Mr. Rutherford said, did you? A. No, sir.

Q. You agreed to everything he said? A. Yes, sir.

Q. He was making this complaint about the ushers and you acquiesced in it, did you not? A. Yes, sir.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: William P. Heath, Jr.





WILLIAM P. HEATH, Jr., 4440 Braeburn Road, San Diego, California, one of the defendants, being first duly sworn, testified as follows:

The Court: At the outset, will you please try to answer the questions. Listen to them, and if you don't understand them, we will be very glad to have them repeated. We are very anxious for the jury and everybody else to get ahead as much as possible.

The Witness: Yes, your Honor.

*Direct examination by Mr. Covington:*

Q. You are one of the defendants in this action, are you not? A. Yes.

Q. You are one of the men who signed the article entitled "Information"? A. That is correct.

Q. How long have you been one of Jehovah's Witnesses? A. Since 1932.

Q. And your mother is one of Jehovah's Witnesses, is she? A. Yes, she is.

Q. How long has she been one of Jehovah's Witnesses? A. Since about 1915.

Q. Did you know Judge Rutherford during his lifetime? A. Yes, I did.

Q. How long were you acquainted with him? When did you first become acquainted with him? A. I first became acquainted with him about 1934.

Q. When did you join the secretarial staff of Judge Rutherford? A. In 1937.

Q. Did you go abroad with him in the year 1937? A. Yes, I did.

Q. Did you become a member of the Bethel





Family at about that time immediately before going abroad? A. Yes, just before leaving.

Q. Were you called in to become Judge Rutherford's secretary on that occasion? Did Judge Rutherford call you in for that purpose? A. Yes.

Q. What month, approximately, was that, if you recall? A. It was June, July, 1937.

Q. How long were you abroad? A. I believe about six weeks or two months.

Q. You are married, are you not? A. Yes.

Q. When did you get married? A. In 1938.

Q. You became acquainted with Bonnie Boyd on the trip, did you not, and worked near her up until the time you got married, is that correct? A. Yes, that is correct.

Q. In what capacity did you serve Judge Rutherford after you got married? A. I served as secretary, took letters, and made arrangements for travel, drove him on business.

By the Court:

Q. General secretarial work? A. General work.

By Mr. Covington:

Q. After becoming a member of the Bethel Family and being associated more closely with Judge Rutherford, did you have occasion to learn his habits and his characteristics and his general attitude? A. I did.

Q. After becoming secretary, how close did you become to Judge Rutherford? Were you with him very much of the time? A. I was very intimately connected with him; had my meals with him; I slept in the same house. We were





not separated at any time during his life from then on until his death.

Q. Wherever he went, you went? A. That is correct.

Q. And wherever he was, you were? A. (No answer.)

Q. You were never separated from him at any time during those years, is that correct? A. That is correct.

Q. And your wife was along with you at that time, too, is that correct? A. Yes.

Q. Did you go West in the year 1937 before Judge Rutherford did? A. It was the same time when he went.

By the Court:

Q. You went with him? A. Yes.

By Mr. Covington:

Q. Do you know whether or not Judge Rutherford was considered by all as the head of the Bethel Family? A. Yes, he was.

Q. Have you ever been present at the Bethel table when he was present? A. Many times.

Q. What was the attitude of Judge Rutherford towards his brethren at the Bethel Family? A. It was considerate and gracious and provoking to loving bonds between him and his brethren. It was that of a chivalrous gentleman and that of one who had the closest affection for those with whom he was associated.

Q. As President of the Watch Tower Bible & Tract Society, you knew that he had the right to see that the organization was operated properly, did you not?





Mr. Bruchhausen: I object to that.

The Court: Objection sustained as to form.

Q. Have you ever heard Judge Rutherford correct anyone? A. I have.

Q. Have you ever been corrected by Judge Rutherford? A. Yes.

Q. Are you familiar with the quarters that he occupied at Bethel? A. Yes.

Q. On the seventh floor? A. Yes.

Q. Are you familiar with the quarters that he occupied at Staten Island? A. Yes.

Q. Are you familiar with the quarters that he occupied at Kingdom Farm in the years 1938 and 1939? A. Yes.

Q. Did you ever travel with him to Kingdom Farm? A. Yes, several times.

Q. Did you ever travel with him to Staten Island? A. Often.

Q. Did you ever travel with him to California? A. Yes.

Q. Did you live with him while in California? A. I did, yes.

Q. Was that at 4440 Braeburn Road, San Diego, California? A. Yes.

Q. Are you familiar also with the other quarters occupied by the brethren at Bethel? A. Yes, I am.

Q. You heard the testimony of Mr. Suiter as to those quarters. Would your testimony be the same? A. Yes, it would.

Q. And with reference to the quarters occupied by Judge Rutherford, would your testimony be the same as his? A. Yes, it would.

Q. On the occasions that Judge Rutherford

paid his visits to Staten Island and to the Kingdom Farm and to California, did he go there for the purpose of doing work or for pleasure? A. For the purpose of working.

Q. When he traveled, did he usually carry a secretarial force with him? A. He did, yes.

Q. During the time that you were a member of the Bethel Family and present with Judge Rutherford, did you ever hear him administer public denunciations and trimmings to members of the family at the Bethel table? A. I never did.

Q. Have you heard him correct brethren or admonish them as to proper conduct? A. Yes, I have heard him do that.

Q. Have you ever at any time noticed any discrimination between Judge Rutherford and the brethren residing at Bethel? A. Never.

Q. Were there discriminations between his quarters at Bethel and those of the brethren—

Mr. Bruchhausen: I object to it as calling for a conclusion.

The Court: Let him finish.

Q. Were there discriminations between the quarters occupied by Judge Rutherford and those occupied by his Brethren at Bethel?

Mr. Bruchhausen: I object to it as calling for a conclusion.

The Court: I will permit him to answer. A. There was no discrimination, no.

By the Court:

Q. In your judgment? A. In my judgment.



By Mr. Covington:

Q. He had a room at Bethel, did he not? A. Yes, he did.

Q. You had a room at Bethel, you and your wife, did you not? A. Yes.

Q. Did he have a room at Staten Island? A. Yes.

Q. Did he have a room in California? A. Yes.

Q. Did he have an office in California in the home? A. Yes.

Q. Did other people live at California outside of the office force? A. Yes.

Q. Who? A. The overseer or superintendent who took charge of the property and his wife were there all the time.

Q. They lived in the premises all the time, is that right? A. Yes.

Q. All the year round? A. That is correct.

Q. You have heard the testimony of Mr. Leffler about the number of people living at Staten Island? A. Yes.

Q. Yours would be the same, is that right? A. Yes.

Q. Have you ever heard any filthy, dirty, smutty jokes and stories passed about the Bethel table? A. Never.

Q. Any glorification of alcohol on the part of Judge Rutherford or the other brethren at the Bethel table? A. No.

Q. Did you know whether or not Judge Rutherford had a treatment, hospital room on the seventh floor during the latter years of his life? A. Yes, I knew he had it.

The Court: That is the same as was testified to by Mr. Howlett?



Mr. Covington: Yes.

The Court (addressing the witness): Wasn't it?

The Witness: That is correct, yes, sir.

The Court: Your testimony would be the same as his?

The Witness: That is right, yes, sir.

By Mr. Covington:

Q. Do you recall the instance of preparation for Madison Square Garden? A. Yes, I do.

Q. Do you know whether or not there had been threats received by Judge Rutherford of attempts to break up that meeting?

The Court: Of your own knowledge.

A. Yes, of my own knowledge, I knew that.

Q. What preparation, if any, was made to have something done about it. I will ask you, did you go to the Police Captain up in New York with Mr. Moyle and Mr. Knorr? A. Yes, we did.

Q. What was the purpose of the visit to the Police Captain? A. We came to request that the police furnish protection inside the Garden because of the threats we had heard that there would be difficulty and some efforts made to break up the meeting. So that we asked that they provide a contingent or force in there to quell any such trouble, should it arise.

Q. And what was the answer to that request? A. The answer was that they didn't think there would be any trouble and that they would not furnish any protection in there, that we would



have to make our own preparations to take care of trouble which might arise inside the Garden.

Q. Did you attempt to persuade them to furnish protection after that statement? A. We emphasized the probability that somebody might want to try to break it up because of these threats, and they continued, however, to make the same statement, that they did not think there would be any trouble and they would not furnish anybody inside.

By the Court:

Q. Did they furnish any outside? A. Yes, they did.

Q. Tell us about the outside. A. They said that if there were difficulties that arose, that there would be men outside of the Garden which could be seen by someone, that someone could go down and tell them if there were any trouble.

Q. Did they make any statement about—that you would have to make your own protection there? A. Yes, inside they did.

Q. After that statement, and based on that advice, were any arrangements made or preparations made for that purpose? A. Yes.

Q. What connection, if any, did you have with the ushers at Madison Square Garden on June 25, 1939? A. I was in charge of the ushering arrangement.

Q. Who else was working with you in that connection? A. Mr. Knorr and Mr. Hannan.

Q. Did you give instructions to Mr. Hannan with reference to the ushering? A. Yes. I furnished Mr. Hannan instructions on that—



By the Court:

Q. Written instructions, as he testified? A. That is right.

By Mr. Covington:

Q. You heard the testimony of Mr. Hannan with reference to those instructions. Would your testimony be the same as to the instructions given at the various times? A. Yes.

Q. To what extent was this speech, "Government And Peace" advertised and broadcast? A. It was advertised very highly, and it was to be broadcast by many radio stations in this country and by radio telephone to some foreign countries.

Q. And was it also being recorded? A. It was also being recorded, yes.

Q. And was it recorded? A. It was recorded.

Q. Were you present in Madison Square Garden when the difficulty broke out? A. Yes.

Q. Where were you at the time? A. I was seated on the speakers' platform.

Q. Do you know the plaintiff, O. R. Moyle? A. Yes.

Q. When did you first become acquainted with Mr. Moyle? A. I believe I became acquainted sometime in 1938, although I had heard him speak at the Columbus Convention in 1937.

Q. In 1937, at the Columbus Convention, was that after you had been to Europe with Judge Rutherford? A. Yes.

Q. You were still with Judge Rutherford at that time? A. Yes, that is right.

Q. You became acquainted then with him the next spring after you returned from California



with the Judge, is that right? A. The following summer, I believe.

Q. That was in 1938? A. Yes.

Q. Was Mr. Moyle on the platform on that occasion? A. Yes, he was.

Q. When the difficulties broke out in the balcony, did you get up off the platform? A. Yes, I got up immediately.

Q. And leave? A. And left.

Q. Did Mr. Moyle go with you? A. No, he remained.

Q. You proceeded where? Where did you go? A. Well, with several others, I proceeded to the area where the booing and shouting and disturbance was, that is, to the rear of the speakers' platform, in the second balcony.

Q. Were the ushers equipped with canes? A. Yes.

Q. Are you familiar with the arrangements made to equip the ushers with canes? A. Yes, I am familiar with the arrangements, although I don't know so much about the—

Q. Did you have anything to do with the general instructions to provide the ushers with canes? A. Yes.

Q. Was there a discussion at Bethel with reference to the need of canes in the event of trouble in the balcony or in the Garden? A. Yes, there was such a discussion after the Police told us that they would give us no protection inside the Garden. Then that meeting was held.

By the Court:

Q. Who was at the meeting? A. The ushers—Not all the ushers, but a representative bunch,

the captains of ushers; and myself and Mr. Moyle and Mr. Knorr and Mr. Hannan.

By Mr. Covington:

Q. Did you hear any conversation or statement by Mr. Moyle as to his thoughts concerning the threats that had been received? A. He made a statement then that there would not be any trouble, stating that while we were at the meeting; he said that he thought we were taking too much time up with this angle of protection, that we could better spend more time on something more important.

Q. No, you heard the testimony of Mr. Hannan about the ushers having canes. Yours would be the same in that regard, would it not? A. That is correct.

Q. After you left the speakers' platform and as you proceeded to the top balcony, did you run into a group of Coughlinites and were you assaulted—

The Court: What, if anything, happened?

Q. (Continued) Just tell us what, if anything, happened, in your own words. A. As we got up to the scene—

By the Court:

Q. Do you mean you and somebody else, or you? A. Myself. As I got there, I got into quite a howling, shouting group. Many of them were howling such things as "Heil, Hitler; Viva Franco"—

The Court: You have been very good



up till now. Please continue. He asked you what, if anything, happened there.

The Witness: Yes.

By Mr. Covington:

Q. And as you approached, did anyone assault you or hit you, or anything like that? A. While I was in that area, a group came up and assaulted me. Somebody in the bunch hit me over the eye.

Q. Did they attempt to hit you again? A. Yes, and so—

Q. In the course of that assault, did you defend yourself?

The Court: Let him tell it.

Q. Just what happened.

By the Court:

Q. Somebody hit you in the eye, as you told us, and what did you do? A. The group was surging back at me, and I struck out with a cane which I had in my hand, as all the ushers had, and I struck someone.

By Mr. Covington:

Q. And did the Police arrive shortly after that or about that time? A. Yes.

Q. Did you afterwards learn that it was a man by the name of Auffant? A. Yes. I learned he was the assailant.

By the Court:

Q. He was the fellow who hit you in the eye? A. Yes.



Q. Was he the fellow you hit with a cane? A. Yes.

Q. So as you say, he was your assailant and he said you were his assailant, I take it? A. That is correct.

By Mr. Covington:

Q. When the Police arrived, were both of you taken into custody? A. That is right. We each made a complaint against the other.

Q. And you were taken to the police station, is that right? A. Yes.

Q Did you ever see Mr. Moyle after that? A. Mr. Moyle I remember seeing at the police station, yes.

By the Court:

Q. That day? A. That day.

By Mr. Covington:

Q. When was the next time that you saw Mr. Moyle, if you recall? A. Why, I don't believe I saw him again until the—not that day at all; not again that day.

By the Court:

Q. Did you see him the next day? A. Yes.

By Mr. Covington:

Q. You were released that night on bond, were you not? A. Yes.

Q. Your wife provided the bond, is that correct? A. As far as I knew, yes.

Q. Do you recall what you were charged with on that occasion? A. I was charged with felonious assault.



Q. And the next day, or after time after that, you had a conversation with Mr. Moyle, is that right? A. Yes; sometime the next day I had a conversation with him.

By the Court:

Q. What was the conversation? A. The conversation was only—I don't remember very much conversation before the time we had a discussion in the Judge's office.

Q. In other words, the conversation the next day was immaterial? A. That is my recollection.

Q. When was the conference in the Judge's office—that is what you are getting at (addressing Mr. Covington)?

Mr. Covington: Yes, your Honor.

By Mr. Covington:

Q. Were arrangements made for Mr. Moyle to handle that case? A. Yes.

Q. He had been counsel and you trusted him, is that right?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Q. Were you willing to have Mr. Moyle handle the case? A. Yes.

Q. And did you want him to handle the case? A. Yes.

Q. And were any conversations had with reference to obtaining Mr. Wheeless to assist Mr. Moyle? A. Not with me.

Q. So you are not familiar with the conversa-



tion between Mr. Moyle and Judge Rutherford then, is that right? A. Not on that point.

Q. When do you recall that Mr. Wheeless came into the case? A. It must have been two or three days thereafter as far as I can remember.

Q. Do you recall arrangements being made for a preliminary hearing in the Magistrates Court? A. I do, yes.

Q. Were there conferences between Mr. Moyle and Mr. Wheeless with Judge Rutherford with reference to the handling of that case? A. Yes, there was a conference in which the Judge pointed out the instructions as to the procedure, just how it should be done, and he gave specific instructions.

By the Court:

Q. What were they—in Mr. Moyle's presence? A. In Mr. Moyle's presence. He said that the case should be—that the witness, myself, should not be put on at this initial hearing if enough evidence was already deduced to make a case, and that if I were put on, I should be put on as the last witness and, third, that if a party by the name of W. B. McDonald should show up, that he should be put on the witness stand and questioned regarding his activities.

By Mr. Covington:

Q. At the Garden? A. At the Garden.

By the Court:

Q. That was Judge Rutherford's instructions? A. That was Judge Rutherford's instructions; correct.



By Mr. Covington:

Q. Was there also a general discussion as to the entire case? A. Oh, yes, there was quite a general discussion there.

The Court: Do you want the substance of it (addressing Mr. Covington)?

Mr. Covington: It is not material, your Honor.

By Mr. Covington:

Q. The preliminary hearing was not held on the date first set? A. No.

By the Court:

Q. It was postponed. A. That is right.

By Mr. Covington:

Q. And what day did the preliminary hearing actually take place? A. On July 11, 1939.

Q. On that occasion, did W. B. McDonald show up? A. He did, yes.

Q. And what part, if any, did he have in the proceedings? A. He was Special Prosecutor for my assailant, Auffant.

Q. On that occasion did you notice Mr. Moyle, what he did and said in the conduct of the case? A. Yes, I noticed very especially that before even the case began, that he was in the area where the prosecutor was—

The Court: No, he wants to know what participation Mr. Moyle had with the case, if any.

The Witness: He was the defense lawyer. He was my lawyer.

The Court: Did he ask the questions or did Mr. Wheeless ask the questions?

The Witness: He asked some of the questions and Mr. Wheeless some of the questions.

Q. Was it understood between Mr. Moyle and Judge Rutherford and Mr. Wheeless that Mr. Moyle was general counsel and had general supervision?

Mr. Bruchhausen: I would like to get the conversation, not what he understood.

Q. What was the conversation between Judge Rutherford and Mr. Moyle and Mr. Wheeless as to who would have general supervision in the case?

The Court: If you know.

Q. If you know. A. That was very clear—

Mr. Bruchhausen: I move to strike out, "That was very clear."

The Court: Strike it out. Just tell us the conversation.

The Witness: That Mr. Moyle had charge of the case.

The Court: And he was to do whatever Mr. Rutherford instructed him?

The Witness: That is correct.

Q. You say you saw him before the hearing actually began with the prosecutor. Just tell the jury just what you did see him do and say, if anything. A. I observed that he was in the docket where the prosecutor stayed or the lawyer stayed, some decorated area.



By the Court:

Q. What they call the lawyers' room? A. No, it was just the front part of the courtroom.

Q. You mean like out here beyond the rail (indicating)? A. I would say if you were here (indicating), it would be to the side of where the Judge sat. And I noticed that he was talking with W. R. McDonald who I had observed, and that he showed a great friendliness, and then leaned over and laughingly and smilingly patted him on the back. What was said, I don't know.

By Mr. Covington:

Q. Were you surprised at that? A. Very much.

Q. McDonald had been identified by Mr. Moyle as one of the enemy, had he not? A. That is correct.

Q. And you knew that at the time; you had been told that? A. I knew it, too. I knew it.

By the Court:

Q. At this time had anybody pointed out McDonald to Moyle? A. Yes.

Q. Who pointed him out? A. Mr. Quackenbush, sometime prior to that. There was a setting to the hearing, and then the hearing itself.

By Mr. Covington:

Q. When the hearing began, did you notice that Mr. Moyle had failed to observe the instructions Judge Rutherford gave him?

Mr. Bruchhausen: I object to it.

The Court: Objection sustained.



Q. Just tell us what, if anything, Mr. Moyle did during the hearing in reference to the Judge's instructions? A. Well, he failed to follow any of them, because I was the first witness put on the stand.

By the Court:

Q. Who put you on the stand? A. Mr. Moyle.

The Court: I want to clear it up.

Q. Were you the first witness in the case or the first witness put on? A. I was the first defense witness.

By Mr. Covington:

Q. Yes. Mr. Wheeless questioned you on that occasion? A. Yes.

Q. Was Mr. Moyle standing by and helping Mr. Wheeless during that examination as counsel? A. Yes, he was right at his side.

Q. Did you see Mr. Wheeless offer up your private confidential statement? Did you give a statement to Judge Rutherford before this hearing? A. Yes.

Q. A signed statement? A. That is correct.

Q. Mr. Moyle had that, did he not? A. Yes, sir.

Q. And did Mr. Moyle have the files with him? A. Yes, he did.

Q. On the occasion that Mr. Wheeless was examining you did you notice Mr. Moyle and Wheeless do anything with reference to your written statement?

Mr. Bruchhausen: I object to this as leading.



The Court: Objection sustained.

Q. Just what, if anything, did you notice Mr. Moyle and Mr. Wheeless do with reference to your confidential statement given to Judge Rutherford?

Mr. Bruchhausen: I object to the question.

The Court: Objection sustained as leading.

Q. Just tell us what, if anything, you noticed Mr. Moyle say in reference to the statement?

Mr. Bruchhausen: I object to "in reference to." You might as well put the words in the mouth of the witness.

The Court: Objection sustained.

By the Court:

Q. Tell us what happened during the course of the hearing? A. Well, during the course of the hearing, while I was on the defense stand I noticed Mr. Moyle drew a paper from his brief case or from somewhere and pass it over to Mr. Wheeless; and the prosecuting attorney asked for this paper, asked for the paper prepared by me; and Mr. Wheeless said, "Well, you can have it", and passed it over to him.

Q. Didn't the prosecutor ask if you had made a statement? A. Yes.

Q. He didn't ask for the particular statement; he asked if you had made a statement? A. First; that is correct.

By Mr. Covington:

Q. And then when you answered that, he asked



for the statement, and it was delivered to him? A. Yes.

Mr. Bruchhausen: I object to counsel putting words into the mouth of the witness.

The Court: Objection sustained.

By the Court:

Q. After you had been asked that question, whether you had made a statement, tell us what further happened. A. Well, the prosecutor asked for the statement.

Q. He asked Mr. Wheeless or Mr. Moyle? A. He asked—he just said, "May I have that statement?" as I recall.

Q. Who delivered the statement to him? A. Mr. Wheless turned it over to him.

By Mr. Covington:

Q. And that was used by the Prosecutor on that occasion, is that correct? A. It was, yes.

By the Court:

Q. Did he refer to the statement at all in evidence? A. He looked it over and asked a question or two that appeared to be based on the statement.

Q. Just appeared to be; you don't know? A. As far as I know. He was reading it, and asked a question.

Q. As far as you know, it was based on the statement? A. Yes.

Q. Was the statement offered in evidence? A. The statement was offered—I don't know.



By Mr. Covington:

Q. After these things had happened, did you report the matter to Judge Rutherford? A. Yes, sir, I did.

Q. You were held, were you not; were you released on that occasion? A. I was held for trial as the result of that hearing.

Q. After you had reported the matter to Judge Rutherford, did you ever have occasion to discuss the matter with Judge Rutherford in the presence of O. R. Moyle? A. Yes.

Q. Tell us what, if anything, was said and done on that occasion, and when it was? A. Well, it was two or three days after the 11th. There was present O. R. Moyle and Judge Rutherford and myself, and also Eugene Orrell.

Q. He was one of the co-defendants? A. He was one of the three defendants. On that occasion, the Judge was recounting his displeasure over the manner in which Moyle had conducted this case, both as regards me and Orrell; and he told Moyle that he failed to follow instructions as regarding not putting me on if sufficient evidence was made for a case; and that also that I should be last. And also, he had failed to put on McDonald; and also had offered this private statement—which was confidentially given to him—to the opposition. And he stated his displeasure, too, that he had advised Eugene Orrell to plead guilty to the offense that he had not committed.

Q. Mr. Heath,—

By the Court:

Q. Did you have anything else? Do you want

to tell something further about this conversation? A. This was what the Judge said.

Q. What, if anything, did you say? A. I verified these facts, the ones that I knew. I knew that he had not followed instructions.

Q. Did you tell him that Mr. Moyle had delivered the statement? A. I had told him that previously. This was two or three days after.

Q. As a matter of fact, had he delivered the statement? A. Yes, he had.

Q. He had, when the other side had called for its production? A. Yes, sir.

Q. And you say Moyle was your lawyer? A. Mr. Moyle was my lawyer.

By Mr. Covington:

Q. And Mr. Wheless was with him, is that right? A. Yes, Mr. Wheless was with him.

Q. Go ahead and tell what else was said on that occasion, if you know. A. These statements were directed to Mr. Moyle by the Judge, and Mr. Moyle listened to them with no comment—a shrug of his shoulders—and made no effort to deny any of them.

By the Court:

Q. We don't want what he didn't do. What did he do, if anything? He said nothing? A. He said nothing.

By Mr. Covington:

Q. Did Judge Rutherford on that occasion make any statement about—

Mr. Bruchhausen: I object to any "about."



By the Court:

Q. Did anything further happen? A. Yes.

The Court: He said yes.

By Mr. Covington:

Q. In reference to counsel—

Mr. Bruchhausen: Never mind—

By the Court:

Q. Tell us what, if anything else, was said at that time? A. He told Mr. Moyle that he should not handle my case, and then he turned to Eugene Orrell, and he said, "Brother Orrell, do you want Mr. Moyle to handle your case?" And Mr. Orrell says, No, emphatically I do not."

Q. But he didn't ask you anything about it; he just said, as far as you were concerned, he didn't want Moyle to handle your case? A. That is right.

By Mr. Covington:

Q. After that conference was over, did O. R. Moyle attend any other conferences in your presence in reference to this matter? A. Not in reference to this matter, no.

Q. Was any effort made to obtain other counsel after that? A. Yes.

Q. Was other counsel—

Mr. Bruchhausen: I object to what was done, unless it was in the presence of the plaintiff.

The Court: Objection sustained.



Q. Was other counsel obtained? A. Yes.

Q. When was other counsel obtained?

The Court: Subsequent to this?

A. Subsequent to this; a few days, I would say.

Q. After this occasion of the conference in Judge Rutherford's office, when was the very next time that you saw Moyle? A. On the 21st of July, I believe.

Q. On the 21st of July? And what was the occasion? Was that a conference, or just how did you see him? A. I simply met him as he went to the Judge's office. I just recall that he came in that morning.

Q. You saw him come in and go out? A. That is all.

Q. After July 21st, did you see Mr. Moyle after that? A. Yes, I saw him again August—

The Court: August 8th?

A. (Continuing) August 8th.

Q. I refer to letter dated July 21, 1939—

The Court: The letter written by Mr. Moyle.

Q. (Continuing)—to Judge Rutherford and ask you: When was the first time you saw that, if you know? A. July 21st.

Q. As secretary to Judge Rutherford, you handle his correspondence, do you not? Yes, I did.

Q. Where did you get this letter, if you know? A. Well, the letter was left in the lobby.

By the Court:

Q. With whom? A. With the lobby party. We have somebody in the lobby.



Q. Is that the lobby where letters are delivered to Mr. Rutherford? A. Yes.

Q. It wasn't left on the floor of the lobby; it was left with the clerk or receptionist? A. Receptionist, yes.

Q. And that is the way the Family of Bethel were in the habit of delivering letters to Mr. Rutherford? A. Yes, that is correct.

Q. The prescribed method? A. Sometimes they came in directly to me, as secretary.

By Mr. Covington:

Q. You got the letter in the lobby, is that right? A. Yes.

Q. You took it to the Judge, is that right? A. Yes.

Q. Did you open it and deliver it to the Judge or did you see it after it was opened? A. I delivered it to the Judge without opening it. I saw it after it went to the Judge.

Q. What is that? A. I saw it after. I saw the contents after it went to the Judge.

Q. And was it on that day that you saw it? A. Yes, it was that day.

By the Court:

Q. Who gave you the letter? A. The Judge.

The Court: I assume you are going to be quite a while with this witness?

Mr. Covington: Yes, I think so.

The Court: We will take a five-minute recess.

(Following a brief recess.)



By Mr. Covington:

Q. When you read this letter dated July 21, 1939, what was your reaction to its contents? A. It confirmed in my mind some suspicions that had arisen.

Q. Did you believe the contents of it to be true? A. I did not.

Q. Did you believe the contents of the letter to be false? A. I did.

Q. On the occasion of the meeting of August 8, 1939, you were one of the members of the Board of Directors present, were you not? A. Yes.

Q. You recall when the Board was advised that morning at breakfast— A. Yes.

Q. — that there would be a meeting? A. Yes.

Q. Mr. Moyle was invited in to attend, was he not? A. Yes.

Q. You heard the other testimony as to what took place on that occasion. It is not necessary to repeat it, except I would like to have you tell what, if anything, you said on that occasion and give the substance. A. I said that it was the most outrageous lie that I had ever heard spoken against another, that it was viciously cruel, unfounded, and an assault upon the whole organization, that I thoroughly discountenanced and disapproved of in the strongest way I could say it.

The Court: He didn't ask you what you said in the strongest way. Tell us what you said.

Q. Did you vote in favor of the resolution? A. Yes, sir.



Q. Did you also attend the meeting of the Bethel Family at noon that day? A. Yes.

Q. After the resolution was voted, did you make any statements or ask Mr. Moyle any questions? A. I asked the question as to whether he was a Jesuit.

Q. What did he say? A. He said, "No."

Q. Do you recall anything else?

By the Court:

Q. What do you mean by a "Jesuit"? A. A Jesuit is a member of the Society of Jesus.

Q. You mean a Roman Catholic Jesuit priest? A. Well, more in the meaning of one who is sly, cunning, kind of secondary cunning.

Q. You said "Society of Jesus." What do you mean by that? A. That is the official name of this organization.

Q. Those are Jesuit priests? A. That is correct. However, the term "Jesuit" has come to mean not limited to priests, not priest—

The Court: I didn't ask you that.

By Mr. Covington:

Q. Was there any discussion regarding Moyle's handling of the case or his familiarity with McDonald? A. I remember Judge Rutherford's statement that if he had handled it with diligence, and properly, that we would not have been in such a fix, such a condition as we were, with regard to winning it.

By the Court:

Q. Was Judge Rutherford at the police hearing? A. No.

By Mr. Covington:

Q. You advised him of what had gone on at the hearing, did you not? A. Oh, yes.

Q. And he had notice of these things before August 8, 1939, did he not? A. Yes.

Q. And the discussion that he had with Mr. Moyle about the matter had also taken place before this date, had it not? A. That is correct.

Q. You saw the Family vote in favor of the resolution, too, did you not? A. Yes, I did.

Q. And condemn the letter? A. Yes.

Q. That was at the dinner table, after the meeting of the Board of Directors on August 8th? A. Yes.

Q. Do you recall a meeting after that, some time in September, on or about September 21, 1941? A. Yes.

Q. Do you recall the article entitled "Information," that has been offered in evidence? A. Quite well, yes.

Q. Do you recall what that article was prepared for?

Mr. Bruchhausen: I object to that as calling for a conclusion.

The Court: Answer yes or no.

A. Yes, I do.

By the Court:

Q. Do you recall what it was prepared for? A. Yes.

By Mr. Covington:

Q. You signed it for what purpose?



Mr. Bruchhausen: I object to that as calling for a conclusion.

The Court: Yes. Sustained.

Mr. Covington: Exception.

The Court: You should ask him whether he signed it.

Q. You signed it, of course? A. Yes, I signed it.

Q. Did you believe the contents of that article entitled "Information" to be true? A. I do.

The Court: And you did, when you signed it?

The Witness: I did, when I signed it.

Q. Did you believe the contents contained therein to express your honest belief concerning the actions that Mr. Moyle had taken? A. They surely did.

Q. And you believed them to be fair as to his course of action, a fair comment as to his course of action? A. Yes.

Q. Did you have malice, ill will against Mr. Moyle when you signed it? A. I did not.

Q. Did you believe that that information should be provided to Jehovah's Witnesses?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Did you believe that you had an interest in the subject matter discussed in the article entitled "Information"?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained.



Q. Did you believe that Jehovah's Witnesses had an interest in the subject matter of that article entitled "Information"?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Q. Now, did you ever hear Judge Rutherford condemn or label total abstainers as prudes, or ridicule them at the table? A. Never.

Q. Did you authorize the publication of the article entitled "Information" in the Watch Tower; is your name used on it? A. I voted for it, yes.

Q. Tell us what took place on the occasion of the meeting of September 21, 1939. A. Well, the Judge told us that some letters had been received.

Mr. Bruchhausen: I object to this as not in the presence of the plaintiff.

Mr. Covington: It is on notice of malice—

Mr. Bruchhausen: I think the papers speak for themselves.

The Court: Objection overruled.

Mr. Bruchhausen: Exception.

Q. Just tell us what took place. A. The judge said some letters that he had before him had been received.

By the Court:

Q. You, as the secretary, had you seen the letters? A. Yes, I had seen the letters.

Q. How many letters were there? A. Some half dozen.



Q. What do you mean, some half dozen? A. Six.

Q. Do you mean six, five, nine? A. I wouldn't say exactly. I don't know exactly, but there were several; five or six.

By Mr. Covington:

Q. Do you recall the letters from Wisconsin? A. Yes.

The Court: Let the witness testify.

Q. Were there copies of Mr. Moyle's letter of July 21st attached to any of those letters?

By the Court:

Q. Of your own knowledge, do you know that? A. Of my own knowledge.

Q. How many? A. I recall two, I believe.

By Mr. Covington:

Q. Did you consider it your duty, as a member of the Board of Directors, to sign and publish the article entitled "Information"?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Q. In what manner did you consider that Mr. Moyle acted as a Judas. A. Well, he had had, just as Judas had, a confidential relationship, in that he was well known throughout Jehovah's witnesses. He tried many cases. He had made speeches at conventions. He was entrusted with legal matters of confidence. And, therefore, when he rebelled against the way of the organization, he was in a position to, and did do great damage to those who were taking their instruc-



tions and information from this organization; and his intimate relationship made it possible for him to do such damage, even as Judas had. The course of Judas was death-dealing, as far as Christ was concerned; and, in that Moyle's course drove away many who had sought Jehovah's Organization, drove them away by this conduct, he drove them to their death, and thus copied the course of Judas.

Q. Did you believe that he had betrayed the Organization? A. Yes.

Q. You are familiar with the work of Judge Rutherford, are you not, during the years you have been associated with him? A. I am.

Q. Was he a constant worker? A. He worked all the time, except a few hours of sleep.

Q. Did he handle much correspondence? A. A tremendous amount of correspondence.

Q. Did he handle any legal matters? A. He had charge of all legal matters.

Q. And did he supervise the handling of them by Mr. Moyle? A. He did.

Q. Did he handle other confidential matters between the Society and its branches and offices? A. He did.

Q. Your wife was stenographer, is that right? A. Yes.

Q. And you were considered secretary, is that correct? A. That is correct.

Q. What other secretary was there; I mean, stenographer that was in the office at that time? A. Mr. Ed Keller.

Q. You did secretarial work yourself, I believe you said, is that correct? A. Yes.

Q. You have heard Judge Rutherford at the



table, have you not, when matters have come up for instruction as to the conduct of the brethren at the table?

The Court: He has already testified to that, I presume.

Q. Have you ever heard him correct his brethren? A. Yes.

The Court: He has already testified.

Mr. Covington: Has he testified on that, your Honor?

The Court: You have testified fully on that, haven't you?

The Witness: Yes.

Mr. Covington: All right.

Q. Did you have anything to do with the writing or preparation of the article entitled "Snares"? A. Nothing.

By the Court:

Q. The first time you read that was when it appeared in the Watch Tower of November 15th? A. Yes.

Q. When you got your copy of it? A. That was the first time I saw it, when I got a copy of the Watch Tower.

By Mr. Covington:

Q. You recall the instance of the discussion by Judge Rutherford at the table of the Madison Square Garden after the meeting, do you not? A. I do.

Q. You recall the instance about which Mr. Hannon testified? A. Yes.

Q. Did Judge Rutherford bring to the attention of the brethren there, including yourself, and others of the ushers, their failure to properly carry out the instructions? A. Yes, he did.

Q. Do you recall what was said? A. Yes.

Q. Could you tell what, if anything, Judge Rutherford said? A. I recall that he stated that that area which was so vital had not been properly taken care of by the ushers, even though it had been called to their attention, and that the proper defense of what is assigned to you in the Lord's Organization should be carried out, we should acquit ourselves like men and do everything that is necessary to protect the commission or charge—in this case our organization for the seeing of the keeping of order—and it had not been done properly.

Q. Did you hear him label anyone as a "sissy"? A. No, I did not.

Q. Did you hear him use that expression during the conversation? A. Yes.

Q. What, if anything, do you recall him saying in that regard? A. I remember him saying that those of many religious organizations think Jesus was a "sissy," not a real man, that that was wrong; that Christians were men and should acquit themselves and behave like it and be diligent in the performance of any charge of duty.

Q. Did you hear him cut off Mr. Hannon and say, "Brother Hannon, you can't say any more"? A. I did not.

Q. Did he permit Mr. Hannon and others to freely express themselves on that occasion? A. Yes, he did.



Q. Did he condemn anybody from exercising their right of speech on that occasion? A. No, sir.

*Cross examination by Mr. Bruchhausen:*

Q. Where did you come from before you took up your residence in Bethel? A. Georgia.

Q. And what year did you leave Georgia? A. Well, I left it the first time, I believe, about '22. Then I was there again before I came to Bethel.

Q. So you were interested in Jehovah's Witnesses before you left Georgia? A. Oh, yes; yes.

Q. And had you gone to any divinity school before you left there? A. No.

Q. Did you graduate from college? A. Yes.

Q. Where did you study secretarial work? A. I studied shorthand and typing at the University of Georgia.

Q. Before you went to Bethel? A. Yes.

Q. And did you work at it? A. Beg pardon?

Q. Did you work at it before you went to Bethel? A. Yes.

Q. What was the nature of your employment before you went to Bethel? A. Nature of what?

Q. What employments did you have before you went to Bethel? A. I worked as salesman.

The Court: Selling what?

The Witness: Coca-Cola.

Q. Did you ever work in any office as a secretary, before you went to Bethel? A. No.

Q. Did you preach for them? A. I preached the Gospel, yes, before then.



Q. Did you become a minister? A. Yes.

Q. When? A. In 1932.

Q. How long did you study to become a minister? A. I had studied seven or eight years.

Q. At the Watch Tower classes? A. No, not classes. I had the books and the Bible, and I studied both.

Q. Did you belong to an organized church before you became a Jehovah? A. No.

Q. No church at all? A. I wasn't a member of one. I had attended a good many.

Q. And that was a different organization than Jehovah's witnesses? A. Yes.

Q. How long did you attend? A. I should say five or six years.

Q. Did you go to Bethel of your own accord? A. Yes.

Q. And did you have correspondence with Mr. Rutherford before you went there? A. Yes.

Q. Did you meet him before you went there? A. Yes, I met him before I went there permanently.

Q. Did you know what kind of an occupation you were going to have, before you got there? A. I had discussed that to some extent, yes.

Q. And what was your occupation, or first occupation, when you got to Bethel? A. My first occupation was on a speaking tour.

Q. And did you go with Mr. Rutherford? A. Yes.

Q. What year was that? A. 1937.

Q. And from that time on you went on tours with him, didn't you? A. Yes.

Q. Did you pay your own expenses? A. No; I mean, not always.

Q. And you were married to the present Mrs.



Heath, who was then known as Bonny Boyd, when? A. In 1938.

Q. Where? A. In—out West, in Nevada.

Q. How long had you resided at Bethel before you married? A. About eight months.

Q. And did you meet her at Bethel? A. Yes.

Q. Or did you meet her on some trip that you had with Mr. Rutherford? A. Well, I met her at Bethel first.

Q. And from that time on both of you, that is, you and your wife, accompanied Mr. Rutherford on all his trips, did you not? A. That is true, yes.

Q. Wherever he went, whether to Staten Island or elsewhere? A. That is true.

Q. Even to California? A. Yes.

Q. And stayed there in California in this house? A. Yes.

Q. Is this house that you are now living in there the same one that Mr. Rutherford lived in? A. Which house?

Mr. Bruchhausen: I withdraw that.

Q. What was the residence, the street number, of the house that Mr. Rutherford lived in? A. In California?

Q. Yes. A. 4440 Beaburn Road.

The Court: San Diego?

The Witness: San Diego.

Q. By the way, was there any particular reason for getting married in Nevada? A. No.

Q. Had you been divorced? A. Yes.

Q. How long had you been divorced before you married in Nevada? A. Oh, just a short time.



Q. How short? A. Beg pardon?

Q. How short? A. I think about a week.

Q. And then you say you reside now in the same residence that Mr. Rutherford occupied in California? A. I didn't say that.

Q. Isn't it a different building? A. I didn't say.

The Court: Well, tell us.

Q. Will you tell us? Is it a mystery? A. No. I live in another building from where Mr. Rutherford resides—resided.

Q. It is nearby? A. Close by, yes.

The Court: On the same grounds?

The Witness: On the same premises, yes.

Q. Was that a new building that was constructed? A. Yes.

Q. When was that built? A. 1939.

Q. And is that on the Watch Tower property? A. Yes, it is.

Q. And who occupied that building? A. Well, there are four of us who occupy it; my wife and I, and two other preachers and Ranchers.

Q. Who are they? A. Mr. Robert Astel and Mr. Joe Lubeck.

Q. Are they people from Bethel? A. Yes, they are Bethelites.

Q. Do they come from Bethel or ever resided at Bethel? A. I believe not.

Q. Did you know them before you had come from Bethel? A. I met them in California.

Q. They are friends of yours? A. Yes.

Q. You met them before Mr. Rutherford met them? A. I think he did the same time.



Q. Before you built this house, you stayed in the house occupied by Mr. Rutherford, didn't you? A. That is true.

Q. And who was on the staff of Mr. Rutherford? A. Well, there was myself and Mrs. Heath, and Mr. Keller. I believe on one occasion Mr. Howlett was there, and Mr.—the family was not the same each year.

Q. The secretarial staff consisted of whom in 1939? A. The secretarial staff was myself and Mrs. Heath and Mr. Keller.

Q. And Mrs. Heath and Mr. Keller took care of the stenographic work, didn't they? A. No.

Q. Did you take dictation? A. Yes.

Q. Who took most of the dictation? A. Mrs. Heath.

Q. What was your part of the staff; to make arrangements for the trips? A. I did that.

Q. You went out and ordered the tickets and planned the trips, is that right? A. No.

Q. Did you do it on this occasion that you went to Europe? A. No.

Q. Who did that? A. I don't know.

Q. How long were you gone in Europe on that occasion? A. About six weeks or two months.

Q. You stayed at different hotels and different countries? A. Yes, sir.

Q. And what part of the secretarial work did you do on that trip? A. I didn't do any of the manuscript work. I merely made arrangements regarding speaking, which I did, some of—and generally what would be necessary in regard to traveling, although I did not purchase the tickets.

The Court: You made the arrangements, and somebody else paid for them; is that what you mean to tell us?

The Witness: Yes, sir.

Q. Who paid for the expenses to Europe? A. Judge Rutherford.

Q. And all your expenses, hotel bills and steamship fares and everything, were paid out of the Watch Tower expenses? A. No.

Q. Any part of it? A. Only a part of it.

Q. All the other expenses of the others on the trip were paid by the Watch Tower, weren't they? A. I don't know.

Q. Weren't you the secretary? A. Yes.

Q. Did you have charge of the tabulating of the expenses and arranging for the payment of them? A. Only that which I took care of. I didn't pay for the tickets, as I said.

Q. You have eaten at this dining room on the seventh floor of Bethel? A. Yes.

Q. You resided there from the date of your marriage on, is that right? A. On the seventh floor you mean?

Q. Yes. A. No. Yes, from my marriage on.

Q. You didn't live on the seventh floor before the date of your marriage? A. No.

Q. But you moved up there after the marriage? A. Yes.

Q. And you stayed up there on that floor? A. Yes.

Q. Was there a Mrs. Peal resided there? A. Pardon? Residing at Bethel or on the seventh floor?

Q. Well, at Bethel. A. Yes.

Q. Didn't she reside on the seventh floor? A. No.

Q. Didn't she stay on the seventh floor at times? A. She came there, yes.

Q. When did she get there? A. I believe about 1937 some time.



Q. And she stayed up as a resident on the seventh floor for most of the time, didn't she? A. I wouldn't say that.

The Court: Well, what would you say?

The Witness: Well, that she came up to the seventh floor as a visitor on occasions; but she didn't live there.

Q. Where did she live? A. I believe she had a room below somewhere, some other floor.

Q. And used to come up there, did she? A. Yes.

Q. Sleep on the seventh floor at times? A. No, sir; not to my knowledge.

Q. Just came up to visit on the seventh floor? A. I believe so.

Q. What work did she do at Bethel? A. She was a dietician and a friend and acquaintance of Mrs. Heath's, and she was a practical nurse.

By the Court:

Q. What work did she do? A. Well, I believe she—

Q. If you don't know, tell us. A. As nurse. When various persons were sick, she took care of them, suggested diets for them.

By Mr. Bruchhausen:

Q. Was she acquainted with Mr. Rutherford before she got there? A. I believe so.

Q. And where did she come from? A. She came from Ohio.

Q. Did her husband live there? A. In Ohio?

Q. At Bethel. A. No.

Q. Was she married? A. I think so.



Q. Now, did Mr. Rutherford's wife live out in the California residence? A. Yes.

Q. And did live there all the years that you went out there? A. Yes.

Q. She never came on to reside in Bethel? A. No.

Q. Now, who was the real nurse of Mr. Rutherford; who was the nurse for Mr. Rutherford? A. Well, Mr. Howlett did a good deal of his nursing, as a male nurse.

Q. Was Mrs. Peal also a nurse? A. Yes.

Q. So he had two nurses? A. Yes.

Q. At the same time? A. I believe occasionally they were together; not always together.

Q. How long did you say Mr. Rutherford was ill? A. Ill ever since I knew him.

Q. What was the nature of his illness? A. He had lung—very bad lungs and carcinoma of the rectum.

Q. But he did travel extensively, didn't he? A. Yes.

Q. And he did extensive radio work? A. Yes.

Q. Extensive speaking? A. Yes.

Q. All over the country, in fact, all over the world? A. Yes.

Q. Do you remember the occasion, after leaving or while you were in the Garden on the speakers' stand—I withdraw it. Do you remember telling Mr. Knorr and another that on your way up to the cause of the disturbance you made this statement, "Let's go up and crack a couple of heads"? A. I did not make that statement.

Q. You deny making that statement? A. I do.

Q. Did you take your cane up with you? A. Yes.



Q. You knew before that meeting that there might be a disturbance, didn't you? A. I did.

Q. In fact you were making every preparation for it? A. You are right.

Q. And you knew of the printed instructions that had been made to place ushers in and about the Garden? A. Yes.

Q. So that afterwards, after this fracas in the Garden, when you got to this dinner meeting Mr. Rutherford was disturbed about it, wasn't he? A. I am not clear on that question, sir.

By the Court:

Q. He wants to know whether or not, after the Madison Square Garden episode, when you returned to dinner at Bethel that night, Mr. Rutherford was disturbed or showed any emotion concerning the incidents. A. I was not at dinner that night. I was in jail.

The Court: Will you please stop rendering anything? You weren't asked about where you were. If you were not at dinner, suffice it to say so. All you are here to do is to testify and not render anything. Mr. Covington has another opportunity to examine you, if he chooses to, at the conclusion of Mr. Bruchhausen's examination.

The Witness: Yes, sir.

Mr. Covington: I take an exception to those remarks.

The Court: Do you have any motion to make? You cannot take an exception. Have you any motion? I will have the remarks read to you.



(The stenographer read the record as follows:

"The Court: Will you please stop rendering anything? You weren't asked about where you were. If you were not at dinner, suffice it to say so. All you are here to do is to testify and not to render anything. Mr. Covington has another opportunity to examine you, if he chooses to, at the conclusion of Mr. Bruchhausen's examination.")

Mr. Covington: The witness answered the question directly.

The Court: Have you heard the answer? Have you heard the entire answer? If you have any feeling about anything the Court is saying, I want you to make a motion.

Mr. Covington: I have no feeling. I am just trying to do my duty to the client.

The Court: Do you wish the answer read?

Mr. Covington: No.

By Mr. Bruchhausen:

Q. You take a drink now and then, don't you? A. Yes.

Q. You had liquor served while you were abroad? A. Yes.

Q. What hotels did you stay at abroad?

Mr. Covington: Isn't that going into immaterial matter?

The Court: I think it is. Objection sustained.



Q. Do you say that you weren't at the dinner meeting that has been testified to in Bethel, where Mr. Rutherford referred to what the ushers did at the Garden?

The Court: He didn't say that at all. There is confusion now. He said that he was not at dinner the night of the Madison Square Garden episode.

Q. Well, were you at dinner, at Bethel, at any time when Mr. Rutherford had occasion to mention what the ushers did or failed to do at the Garden? A. Yes.

Q. And he was very much disturbed about it, was he not? A. Not so very much.

Q. Do you mean, Mr. Heath, that with these people rushing up there, beyond the speakers' stand, and overflowing, as you called it, or as some of the witnesses say, that Mr. Rutherford wasn't disturbed? Do you want to tell this Court and jury that he wasn't disturbed about it? A. I don't understand that question. Where? I understood you to say: Was he disturbed on the occasion some time later at dinner when he was talking about the ushers?

Q. That is what I am asking you about.

The Court: So we have no confusion, I believe Mr. Bruchhausen is now talking about the meeting that you have described, where there was some reference made to the word "sissy" as you have already testified to.

The Witness: I don't think he was very much disturbed about that.

Q. How long after the occurrence at the Garden did this dinner meeting take place? A. My recollection is it was about a week, ten days.

Q. What was the date of the Garden meeting? A. June 25, 1939.

Q. So then you fix this occurrence as early in July, is that it? A. I don't fix it, no. I think it was several days after, maybe a week, ten days. I am not sure.

Q. Well, do you know whether or not it was one or two days or a week afterwards? A. Not for sure, no.

Q. You were very certain, though, about the conversation or instructions that Mr. Rutherford gave to Mr. Moyle, weren't you? A. Yes, indeed.

Q. Did you talk to Mr. Covington about that phase of this case before you came to court today? A. Yes, sir.

Q. When did you talk to him? A. About two weeks ago, I believe.

Q. And you went over every detail of this testimony you are giving here today? A. Yes.

Q. How long did you talk to him? A. Oh, half an hour, something like that.

Q. And you have been staying at Bethel ever since? A. That is correct.

Q. Have you talked to any of the directors or anybody since that morning? A. Yes.

Q. The directors? A. Yes.

Q. All of the directors? A. Not all of them, no.

Q. But you have talked about the case? A. Yes.

Q. You came on specially from California to



appear in this case, did you not? A. I was a defendant, I had to.

The Court: Now, sir, that is not an answer. Read the question.

Mr. Covington: We except.

(The stenographer read the question as follows:

"Q. You came on specially from California to appear in this case, did you not?") A. I would say yes. May I ask you—

The Court: Mr. Covington will have an opportunity to question you at the conclusion of Mr. Bruchhausen's examination. He may think that he should ask you about it. If he does, he will.

The Witness: I am not certain as to whether it was to appear in this case as a witness or because I was a defendant. I wasn't sure of which.

By Mr. Bruchhausen:

Q. You gave a definition of a Judas, a little while ago? A. I believe so.

Q. Don't you know that you gave a picture of a Judas? A. I wouldn't say it was a definition of a Judas.

Q. What do you call it? A. About copying the course of Judas.

Q. Is there any difference between describing what a Judas is and describing the course of a Judas? A. I think so.

Q. Tell us what the difference is. A. Well, a Judas is, no doubt, one thing—from what one who follows that course. The difference, for in-



stance, between being Christ and being a Christian.

Q. In other words, whoever betrayed a trust is a Judas; is that it? A. I would say that is one of the points in that explanation, yes.

Q. So you subscribe to that, don't you? A. Yes.

Q. Did you want this court and jury to understand that Mr. Moyle had betrayed his trust in legal matters? A. I did.

Q. You know, don't you, that there is nothing in his letter about legal matters?

Mr. Covington: That is not a statement of the whole facts. I object.

The Court: Objection sustained. Please don't make any statement. If you want to make an objection, you will get a ruling. If I am in doubt, I will ask on what ground you object.

Q. You have referred to some conversation that you and Mr. Rutherford, and maybe somebody else, had, where, you say, Mr. Moyle was criticized for what he did on that case; is that correct? A. You said— Who were the parties to it? I don't understand you.

The Court: You don't understand the question?

The Witness: No.

The Court: He does not understand the question.

Q. Well, didn't you testify here that there was a conversation between Mr. Rutherford and Mr. Moyle which you listened in on, where Mr.



Rutherford criticized Mr. Moyle for what he did or failed to do in the trial of the case? A. Yes, I did.

Q. And when do you say that that conversation took place? A. That conversation occurred several days after the hearing of July 11th.

Q. Don't you know that any conversation Mr. Rutherford had about this was not until July 21st? A. I do not.

Q. What fixed in your mind the date of this conversation? A. The necessity for getting another counsel in the case, in my case, for the conducting of the trial for me.

Q. Don't you know that the discussion about retaining other counsel did not come about until Mr. Moyle resigned? A. I don't know any such thing. It was before that.

Q. You are positive about that? A. I am.

Q. You are very anxious to have that date before July 21st, aren't you?

Mr. Covington: I object. That is argumentative.

The Court: Objection sustained.

Q. You say that Mr. Moyle put in this alleged statement in evidence? Do I understand that is your testimony? A. Pardon? I don't understand the question.

By the Court:

Q. Do you say that Mr. Moyle put into evidence at the Police Court hearing the statement that you gave to Mr. Rutherford or Mr. Moyle or whoever you gave it to? A. I don't know.



By Mr. Bruchhausen:

Q. Didn't you just tell us that Mr. Moyle was at that trial and that he fished a paper out of his pocket and offered it in evidence? A. Yes. I don't know that it was offered in evidence.

Q. Offered it to the person you call was the prosecutor? A. Yes.

The Court: McDonald? Isn't that the name?

Q. Are you positive that that statement was handed by Mr. Moyle to Mr. McDonald? A. No. It wasn't handed by Mr. Moyle to Mr. McDonald.

Q. Who do you say it was handed to? A. It was handed by Mr. Moyle to Mr. Wheless, who turned it over to the prosecutor; and I am not sure if it was McDonald or the other party there.

Q. So Mr. Wheless was conducting the trial, was he not? A. No. He was cross examining at the time.

Q. Is there any difference between cross examining and conducting, in your estimation? A. I believe so.

Q. What is your definition of "conducting"? A. Well, it would be one who has the whole course of the trial mapped out in advance, who directed how it should be conducted, whether he did the cross examining himself or not—he would be in charge of its preparation and be in charge of just what was done, and, particularly, the times in which the various witnesses testified.

Q. With that definition which you are just



giving, was it not a fact that Mr. Rutherford was conducting the trial? A. I think so.

Q. He had entire charge of the strategy and what was to be done, isn't that correct? A. Except that he was not present.

Q. And weren't you and your wife constantly telephoning him from the courtroom as to what was going on? A. We did telephone him; not constantly.

The Court: How many times?

The Witness: I believe only once, during dinner, during the dinner hour.

Q. And your wife was there for the purpose of reporting to Mr. Rutherford, wasn't she? A. Yes.

Q. And he issued instructions to her as to what to do? A. I don't believe so.

Q. Well, there were instructions passed to counsel as they came from Mr. Rutherford? A. Passed from who?

Q. Instructions that came from Mr. Rutherford were passed to these counsel in the courtroom?

Mr. Covington: I object. This is argumentation.

The Court: I think it is.

Mr. Bruchhausen: I asked the witness, if your Honor please—he was there and he has brought this testimony before this court, as to the instructions that came from Mr. Rutherford on that day.

The Court: You might ask him: Were there instructions from Mr. Rutherford

the day of the hearing, while the hearing was in progress?

The Witness: I am not sure about that.

By the Court:

Q. You don't know? A. I don't know.

Q. You didn't get any personal instructions? A. No.

Q. But you do say that, before the matter went to trial, it was discussed with Mr. Rutherford, and he said that you were to testify last, and the other things? A. Yes, that is right.

Q. Which you have testified to? A. That is correct.

By Mr. Bruchhausen:

Q. But you are positive about this testimony you give as to the conduct of Mr. Moyle at this trial; that you are positive about, is that right? A. Yes.

Q. But you can't give us the details of the instructions that Mr. Rutherford gave?

Mr. Covington: I object to this.

The Court: Objection sustained.

Q. And you were very close to Mr. Rutherford, weren't you? A. Generally.

Q. You were constantly in his company all day long and during the evening hours? A. Not all that day.

Q. Well, on any other days? A. Many days.

Q. You were in touch with him before the preliminary hearing in the Magistrate's Court, weren't you? A. On that day, do you mean?

Q. Yes. A. I think not.



Q. Well, you got out on bail right away, didn't you? A. The bail was made a week before that; quite some time.

Q. Didn't you get right out on bail? A. No.

Q. How long were you incarcerated? A. About six hours.

Q. And you had occasion to talk with Mr. Moyle about all the details of what transpired at the Garden and what the testimony was of the witnesses, didn't you? A. Not on that day, not the day of the Garden trouble.

Q. At any time after the Garden occurrence? A. Oh, yes.

Q. And all those statements were typewritten out, weren't they? A. I believe so.

Q. Did you typewrite them? A. Not all of them.

Q. And Mr. Rutherford was fully informed of what the witnesses had claimed happened at the Garden? A. I don't know if he was fully informed or not.

Q. Didn't he get this statement? A. He got such a statement from each witness, yes.

Q. And then, after getting this statement, then he called in counsel and talked to them about it, didn't he? A. Yes.

Q. And he called in Mr. Wheless? A. Yes.

Q. And they went over all these items? A. Yes.

Q. And Mr. Wheless was designated as trial counsel, wasn't he? A. I don't think so.

Q. Well, didn't he actively try the case? A. He actively assisted at its trial.

Q. Well, he examined the witnesses, didn't he? A. Some of them.



By the Court:

Q. Who conducted most of the trial? A. I believe that Mr. Wheless conducted most of the cross examination.

Q. Well, never mind cross examination. Examination or cross examination? A. Well, I believe Wheless did most of it.

Q. Do you know what the difference between examination and cross examination is? A. Yes.

Q. Who conducted most of the examination or cross examination; who did most of the examining of witnesses? A. Well, I don't know who did exactly the most of that. I believe Wheless did.

Q. You say it was participated in by both Mr. Moyle and Mr. Wheless? A. That is correct.

By Mr. Bruchhausen:

Q. You know that Mr. Wheless put your statement in evidence, don't you? A. I know that he did hand it to the party.

Q. Don't you recall that he offered it in evidence and it was given to the stenographer?

Mr. Covington: That would be the best evidence.

By the Court:

Q. Do you recall whether or not the statement was offered by Mr. Wheless into evidence? A. The only thing I remember is that he offered it to the prosecuting attorney.

Q. Then the answer is you don't know whether or not it was offered in evidence? A. That is right.



Q. By Mr. Wheless? A. That is right.

By Mr. Bruchhausen:

Q. But Mr. Wheless was the one that handed the statement? A. Yes.

Q. Did you use some expression that Mr. McDonald is "the prosecutor"? A. I understand he was a special prosecutor.

Q. Where did you get that understanding from? A. He said so.

Q. Don't you know there was an assistant district attorney who was handling the case? A. There was a district attorney, yes.

Q. And the district attorney was taking care of the examination of the witnesses for the People or for the complainant's case? A. No, sir, not altogether.

Q. Do you say that the other man questioned the witnesses? A. Yes, McDonald questioned me, as a witness, in the case. It was a cross complaint. I had made a complaint. If I may offer this explanation, I made a complaint. My assailant also made a complaint. And, on that basis, I believe McDonald was prosecutor, special prosecutor.

Q. Wasn't McDonald representing one of the defendants? A. Yes.

By the Court:

Q. Did he represent this fellow Auffant? A. He represented him, yes.

By Mr. Bruchhausen:

Q. This Auffant was a defendant? A. Yes.

Q. And he was representing him, as counsel for the defendant? A. Yes.



Q. And the district attorney was representing the complainants in the case? A. Yes.

Q. Now, you say something about some occasion when Mr. Moyle touched Mr. McDonald, is that it? A. I said he patted him on the back.

Q. And that was where, out in the hall? A. In court.

Q. Was it while the trial was going on? A. Just before.

Q. Where did he put his hand? A. On his back.

Q. His whole hand on his back? A. And he patted him.

Q. And did he keep it on his back or just touch him with his hand? A. I think he just patted him once or twice, and that was all.

Q. And that is all the patting that was done? A. I believe so.

Q. And some story was told, is that it? A. I wouldn't know. I didn't hear anything.

Q. They laughed, didn't they? A. I think they laughed. One laughed.

Q. Did you think that was a very serious affair? A. I thought it was quite serious, yes.

Q. And did you immediately report it to Mr. Rutherford? A. No.

Q. When did you report it to Mr. Rutherford? A. On the occasion when I came back from the hearing, I believe.

Q. On that same day? A. Yes.

Q. That was on July 11th, was it? A. Yes.

Q. When do you say—how long afterwards—that you called Mr. Moyle's attention to this patting incident? A. I didn't say that I called his attention to it.



Q. Did you ever mention it to him? A. I believe not.

Q. And yet you saw him around Bethel all the time? A. No, not all the time.

Q. You say you didn't want Mr. Moyle as your lawyer, is that correct? A. Yes.

Q. Well, weren't all the lawyers hired by Mr. Rutherford? A. I think so.

Q. And the Watch Tower paid all the lawyers, didn't they? A. Not always.

The Court: We are not talking about always. He is talking about this particular case.

Q. In this case. A. I believe—he didn't pay the lawyers in this case. The trial—

Q. Were any lawyers paid in this case? A. Yes.

Q. Don't you know they were all paid by the Watch Tower? A. No, they are not all paid by the Watch Tower.

Q. Don't you know Mr. Wheless was paid by the Watch Tower? A. Yes, he was paid by the Watch Tower.

Q. And Mr. Moyle wasn't paid at all? A. I think not. I think you are right.

Q. And they were the only two lawyers in the case, on the preliminary hearing? A. Yes.

Q. And you were acquitted, weren't you? A. Yes.

Q. In the Court of Special Sessions? A. That is correct.

Q. You spoke about this incident of September 21st of appearing in the meeting room, didn't you, Mr. Heath? A. Yes.

Q. And the evidence that you had before you was a couple of letters or some letters, isn't it? A. No.

Q. Did you read the letters? A. Yes.

Q. Oh, by the way, didn't you say that Mr. Rutherford showed you the letter of July 21st on July 21st? A Yes.

Q. You know that some of the directors here testified they didn't see the letter until August 8th, don't you? A. Yes.

Q. Where were you when this letter was shown to you? A. I was in the Judge's office.

Q. You didn't show it to anybody else on that day? A. He showed it to me. I didn't have it.

Q. Did you see it again between July 21st and August 8th? A. I don't believe I saw his personal letter. I saw copies.

Q. You are positive you saw copies prior to August 8th? A. No, none prior to August 8th.

Q. You saw the copies on September 21st, when you sat in on that meeting? A. No, I saw it prior to September 21st.

Q. Just a few days prior to that time? A. I think so.

Q. Did you prepare or type this article "Information"? A. No.

Q. Did you see it before it was published? A. I saw it only on the 21st. That was the first time I saw it.

Q. Did you prepare or type this article "Snares"? A. No.

Q. Well, it was written by Mr. Rutherford, was it not? A. Yes.

Q. And you knew it was being written, didn't you? A. I didn't know that.



Q. Well, weren't you on his staff at the time? A. Yes.

Q. When do you say it first came to your attention? A. It first came to my attention on the 21st.

Q. I am speaking of the article "Snares", the last article. A. Oh, "Snares"? The first time I saw "Snares" was when I read it in the Watch Tower. That would be about the 15th of November.

Q. All of these articles that Mr. Rutherford prepared were written up on the seventh floor, weren't they, by the secretaries? A. I think not. You mean these two? The two articles, or all of his articles?

Q. Usually, his articles that were sent over to the printing office on Adams Street came from the office on the seventh floor? A. Yes. They were not all written there.

The Court: Some were written in Staten Island?

The Witness: Yes, some written in Staten Island and other places.

Q. You went to Staten Island with him, didn't you; with the Judge? A. Yes.

Q. Do you recall where Mr. Rutherford was, or whether he went away, between October 15th and November 15, 1929? A. I think he may have gone to Staten Island.

Q. And you went with him? A. Yes.

Q. And when he wrote articles out there you saw what was written, didn't you? A. No.

Q. Was any of it dictated to you? A. Not Watch Tower.



Q. Was it, to your wife? A. I believe so.

Q. You would discuss some of the articles that he wrote? A. No.

Q. Wouldn't you sit at dinner with him, eating there? A. Yes.

Q. You had a dining room in this house that you lived in, didn't you? A. Yes.

Q. And you and his secretarial staff would sit there at dinner, wouldn't you? A. Yes.

Q. You didn't call in the boys from the factory to tell them what the Judge had written?

Mr. Covington: This is argumentation.

The Court: Objection sustained.

Q. But, at any rate, the only group that sat in with the Judge in this dining room at Staten Island was Mr. Rutherford and the secretarial staff?

Mr. Covington: Objected to as argumentation.

The Court: Objection sustained.

Q. Who was it that sat in on this dining room in the house on Staten Island, with Mr. Rutherford?

Mr. Covington: I object to it. It is too general.

The Court: Fix the time.

Mr. Bruchhausen: I am trying to refer to this period between October 15th and November 15, 1929.

The Court: Mr. Bruchhausen, you better ask that question again.

Mr. Covington: Does it relate to the "Snares" article?



Mr. Bruchhausen: "Snares" article, yes.

Mr. Covington: I think the witness testified that there was no discussion amongst the secretarial staff on that, and therefore, this is—

The Court: I am not quite clear on that. You may well be right.

Mr. Bruchhausen: I wish counsel wouldn't make these statements.

Mr. Covington: I am quite sure that he did.

Mr. Bruchhausen: I will ask the witness as to what was testified to or what he recalls.

By Mr. Bruchhausen:

Q. You recall going to Staten Island with Mr. Rutherford during the period from October 15th to November 15, 1929? A. Not particularly.

Q. Well, did you go there at all? A. Yes.

Q. And did you go during that period? A. I believe we did.

Q. And you went there week-ends, didn't you, during that period? A. Yes, I believe so.

Q. Do you recall whether the article "Snares" was written in Bethel or in Staten Island? A. I don't know.

Q. Well, didn't you see the copy that Mr. Rutherford prepared for sending to the Watch Tower? A. No.

Q. Who was the chief secretary? A. I was chief secretary.

Q. And didn't you have charge of all of the material that the Judge got out, see that it was



read and got to the place that it was to be sent to, Mr. Heath? A. No.

Q. Didn't you have supervision over the other secretaries? A. No.

Q. What did you consider a chief secretary should do? A. I don't know.

The Court: Oh, I think this is objectionable. I don't think we are interested in what he thinks.

Q. During this time you were at Staten Island, you had occasion to take a drink once in a while, didn't you? A. Yes.

Q. Even at Bethel? A. Yes.

Q. It was not an uncommon occurrence to bring some liquor into the place, was it? A. No.

Q. Nobody prevented that or stopped that? A. No.

Q. And you had liquor up on the seventh floor, didn't you? A. I think so.

Q. And then, after hours, you would sit around and tell stories, wouldn't you?

Mr. Covington: This is all argumentation.

The Court: Not all. This question is argument. I will sustain the objection.

Mr. Covington: "Sit around."

Q. You went downstairs in the evening hours, didn't you, around dinner time, on some occasions? A. To dinner.

Q. Then, after dinner, didn't you hear stories told? A. I don't recall any time.

Q. How long would you spend at dinner?



A. The evening meal began at six and was over at six-thirty.

Q. And, immediately after dinner, did you leave the room? A. Almost immediately.

Q. Didn't you ever sit there and have some discussion? A. No.

Q. Never? A. Never.

Q. Never passed the time of day with some of the other diners there? A. Not after dinner was over.

Q. So everybody abruptly left after dinner, is that right? A. I don't say that.

Q. What did they do? A. I said that I left.

Q. Did the others leave? A. Not always.

Q. And they would sit around and talk, wouldn't they? A. I think so.

Q. And they would tell of incidents that happened outside?

Mr. Covington: Objected to as assuming—

The Court: Objection sustained.

Q. Well, you would hear them talking, wouldn't you? A. Yes.

Q. You would hear them tell stories, wouldn't you? A. I think so.

Q. Wouldn't they laugh once in a while? A. Yes.

Q. Now and then an off-color story would find its way in there? A. I never heard one.

Q. You weren't at dinner on those occasions?

Mr. Covington: I object to it.

The Court: Objection sustained.

Q. Now, Mr. Rutherford invariably dined on the seventh floor, didn't he? A. No.

Q. In the evening? A. No.

Q. Well, he did dine on the seventh floor?

The Court: On occasions?

A. On occasions, yes.

Q. How many times a week, on an average, would he dine on the seventh floor? A. Not every week even.

Q. Well, he would be away sometimes, wouldn't he?

The Court: When he was in Bethel.

Q. When he was in town, I am asking.

Mr. Covington: I object. This is immaterial.

The Court: Objection sustained.

Mr. Bruchhausen: Was it sustained?

The Court: Sustained.

Mr. Bruchhausen: If your Honor please, there is an issue in here—

The Court: We are not going to have any colloquy. Please ask the next question.

By Mr. Bruchhausen:

Q. You made some reference, did you not—and correct me if I am mistaken—that, on the occasion when Mr. Rutherford spoke about these ushers, he said something about "acquitting ourselves like men." Do you recall about that? A. Yes.

Q. And he felt that they didn't act like men, is that it? A. I wouldn't say that.



Q. He thought they were a little too soft about it? A. No.

Q. Well, what do you consider the expression, "to acquit themselves like men", to mean? A. I understand it to mean to be diligent to your commission in carefully safeguarding what you are given to do, as a man.

Q. And use the cane pretty well? A. Beg pardon?

Q. And make pretty good use of the cane? A. No.

Q. He indicated that they didn't acquit themselves like men?

Mr. Covington: This is repetitious and argumentative. We object to it for those reasons.

The Court: Objection sustained.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all. Just one moment. I would like to ask a few more questions.

The Court: Go right ahead.

*Redirect examination by Mr. Covington:*

Q. Mrs. Rutherford, what is her physical condition?

The Court: If you know.

Q. If you know.

Mr. Bruchhausen: I object.

Mr. Covington: He went into it, about her living separately, and we would like to show—

The Court: I will let you go ahead.



A. She was an invalid for the years I knew the Judge.

Q. Was she maintained in California by the Judge? A. She had a home there. He provided.

Q. Did Judge Rutherford die with cancer of the rectum, did you say? A. That is correct.

Q. The house that you have there in California, the one on the premises, did you obtain that house and convey it to the Society?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. I don't see how it is material.

Q. Who paid the lawyers that handled the case in Special Sessions, if you know? A. I paid one. I believe the Watch Tower paid the other.

Q. You paid your lawyer and the Watch Tower paid the others? Who handled your case? A. Mr. Abraham Shamos, of Untermeyer & Guggenheimer.

Q. Of what firm?

The Court: You have the wrong name.

Q. Guggenheimer & Untermeyer? A. Yes.

Q. This letter of July 21st, you saw that, as secretary, did you not? A. Yes.

Q. Do you know whether Mr. Rutherford showed that to any of the other directors there from July 21st to August 8th? A. I really don't.

Q. What is the policy in the office with reference to the writing of the Watch Tower articles, secretarial policy of the office? A. Well, Mrs. Heath took the articles and wrote them up. No one else saw them. They were turned over for



proofreading and publication, without passing through any one else's hands.

Q. Was it permissible or was it the policy to discuss any of these articles in the Watch Tower before they appeared publicly in the publications? A. It was not.

Q. Was the article entitled "Snares" discussed by you and Mrs. Heath or any one at any time before it appeared in the Watch Tower? A. No.

Q. You were connected with the Coca-Cola Company in what place, Mr. Heath? A. In Atlanta and in South Carolina.

Q. And your folks— Did you live in Atlanta before you came to Brooklyn, at any time before you came to Brooklyn? A. Yes.

Q. Did you go to school anywhere outside of the University of Georgia? A. Yes, Columbia University in New York.

Q. Was not Mr. Auffant pressing a charge against you in the Magistrate's Court?

The Court: He has testified that they both made charges against each other.

Mr. Covington: That is all.

*Recross examination by Mr. Bruchhausen:*

Q. Do you know that consideration of the retention of Samuel Liebowitz was had before the hearings in the Magistrate's Court; don't you? A. Yes.

Q. Now, you are familiar and you were, as secretary with the notations that Mr. Rutherford made on documents that were submitted to him; are you not? A. Not No, I wasn't.



The Court: You have seen documents on which he put notations?

The Witness: Yes.

Q. He used the stamp "J.F.R.", didn't he? A. I think he did, yes.

Q. I show you Plaintiff's Exhibit 11 for identification and ask you if that isn't the stamp "J.F.R." over there that he used (handing paper to witness)? A. Where is it?

Q. On the second page? A. (After examining paper) Yes, I believe it is.

Q. And you know, don't you, that many times letters would be written by those in the organization to Mr. Rutherford and he would use this stamp "J.F.R." in returning it?

Mr. Covington: I object to that as immaterial and argumentative. This matter has been taken up before.

The Court: Objection overruled. Exception to defendant.

Mr. Bruchhausen: I am establishing the practice.

Q. Isn't that so?

Mr. Covington: If he knows about the particular letter—

Q. That was the practice, was it not? A. I wouldn't see documents sent in to him after they were sent; I didn't see all documents that went in and went out, in other words.

Q. The practice was, was it not, to leave these letters either in the lobby or in some place—

The Court: I think he has testified fully to that.

Kings County Clerk's Index No. 15845—Year 1940

# New York Supreme Court

**Appellate Division—Second Department**

OLIN R. MOYLE

*Plaintiff-Respondent*

*against*

FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, THOMAS J. SULLIVAN, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, CHARLES A. WISE, CLAYTON J. WOODWORTH, MATTHEW A. HOWLETT, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation, and WATCHTOWER BIBLE AND TRACT SOCIETY, INC., a New York membership corporation

*Defendants-Appellants*

## CASE ON APPEAL

**Vol. III—Pages 1329 to 1992**


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**Exhibits**

*Plaintiff's Exhibits*


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| 3.—Letter from Olin R. Moyle to J. F. Rutherford, dated July 21, 1939 | 64 | 1731 |
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| 5.—Article entitled "Snares" appearing in the Watch Tower magazine dated Nov. 15, 1939 | 68 | 1740 |
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| 7.—Statement dated Sept. 6, 1939, read by Olin R. Moyle at a meeting | 90 | 1774 |
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| 12.—Photograph of the printing plant of Watch Tower Bible & Tract Society at Adams Street, Brooklyn | 215 | 1807 |
| 13.—Letter from the Watchtower Bible & Tract Society, Inc., of Brooklyn to Olin R. Moyle, dated November 20, 1939 | 221 | 1807 |
| 14.—Letter from Olin R. Moyle to W. E. Van Amburgh, dated Nov. 24, 1939 | 222 | 1808 |
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| 16.—Letter from Granville and Grace Fiske addressed to Bro. Rutherford and All the Bethel Family, dated July 1, 1940 | 438 | 1810 |
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| 20 for Ident.—Pamphlet prepared by A. A. Worsley | 1216 | 1815 |
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| A.—Letter from Watch Tower Bible & Tract Society, Inc. to Jehovah's Witnesses in Zone 1, Wisconsin, dated Sept. 21, 1939 | 105 | 1816 |
| B.—Letter from H. Fink to J. F. Rutherford, dated Sept. 12, 1939 | 106 | 1817 |
| C.—Letter from H. Fink to J. F. Rutherford, dated Sept. 21, 1939 | 107 | 1821 |
| D.—Letter from J. F. Rutherford to H. Fink, dated Sept. 19, 1939 | 107 | 1826 |
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| X.—Two letters from Olin R. Moyle to Fred and Jessie Aebly, dated Feb. 1, 1940 and Jan. 8, 1940, respectively | 290 | 1899 |
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| D-2.—Circular signed by Olin R. Moyle | 293 | 1912 |
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| D-6.—Letter from Olin R. Moyle to Mr. Confehr, dated Sept. 2, 1939 | 314 | 1919 |
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| D-30.—Paper containing resolution signed T. J. Sullivan, H. H. Riemer, Grant Suiter | 937 | 1969 |
| D-31 for Ident.—Letter from Olin R. Moyle to Clayton J. Woodworth | 1100 | 1969 |
| D-32 for Ident.—Letter from Clayton J. Woodworth to Olin R. Moyle, dated Aug. 15, 1939 | 1100 | 1969 |
| D-33.—Article concerning Jehovah's Witnesses appearing in the Fact Digest of June, 1939 | 1407 | 1970 |
| D-34 for Ident.—Letter from N. H. Knorr to Olin R. Moyle, dated Sept. 21, 1939, and letter from Olin R. Moyle to N. H. Knorr, dated Sept. 22, 1939 | 1466 | 1975 |
| D-35 for Ident.—Application for Pioneer Service made by Mr. Broad | 1468 | 1975 |
| D-36.—Minutes of Joint Meeting of Boards of Directors of the Watch Tower Bible & Tract Society of Pennsylvania and the Watch Tower Bible & Tract Society, Inc. of New York, held Aug. 8, 1939 | 1523 | 1975 |





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| D-37 for Ident.—Minutes of Meeting of Board of Directors of April 18, 1928 | 1541 | 1985 |
| D-38 for Ident.—Minutes of Meeting of Board of Directors of June 11, 1930 | 1541 | 1985 |
| D-39 for Ident.—Letter from J. F. Rutherford to Joseph Wheless, dated Aug. 6, 1940, with check attached | 1557 | 1985 |
| D-40 for Ident.—Letter from Joseph Wheless to Most Reverend Francis J. Spellman, dated July 7, 1939 | 1557 | 1985 |




*Eugene Dallas Orrell—For Defts.—Direct*

EUGENE DALLAS ORRELL, 124 Columbia Heights, Brooklyn, New York, called as a witness in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Orrell, what position, if any, do you occupy with the Watch Tower Bible & Tract Society? A. As a servant to the brethren.

Q. And do you serve the various congregations throughout many areas? A. I do.

Q. What states do you travel in? A. North and South Carolina.

Q. How long have you been traveling in North and South Carolina for the Watch Tower Bible & Tract Society? A. I have been traveling for the past five years, in North and South Carolina.

Q. Were you in that area during the year 1939? A. I was.

Q. Have you ever been a member of the Bethel Family, a permanent resident of the Bethel Family? A. Yes.

Q. How long have you been one of Jehovah's Witnesses? A. Since 1921.

Q. And when did you become a member of the Bethel Family? A. In 1923, January.

Q. And how long did you stay at Bethel? A. I remained there until the year of 1927.

Q. And then did you go back on the road? A. I went to the road from that time and have been on the road since.

Q. Traveling in various states? A. Yes.

Q. Do you know the plaintiff, O. R. Moyle? A. Yes, I do.

Q. How long have you known Mr. Moyle? A. I met him in the year of 1933.



*Eugene Dallas Orrell—For Defts.—Direct*

Q. At what place? A. At Racine, Wisconsin.

Q. Do you recall when Mr. Moyle went to Bethel and became a member of the Bethel Family? A. Yes.

Q. You were not at Bethel then, were you? A. I was at Bethel shortly thereafter.

Q. You visited at Bethel on many occasions while you have been on the road, did you not? A. Yes.

Q. Did you visit at any time while Mr. Moyle was there during the years 1935 to 1939? A. Yes, I was there in 1939.

Q. Were you in New York during the months of June and July, 1939? A. I was.

Q. Before we get to that, how long have you known Joseph F. Rutherford? A. I met him in the year of 1910.

Q. And when you became a member of the Bethel Family, what position, if any, did you occupy with the Society in Bethel? A. Well, I occupied various positions.

Q. Did you ever occupy the position known as Bethel Servant? A. Yes.

Q. What year was that? A. 1931 and part of 1932.

Q. During the time that you were at Bethel, did you have occasion to become better acquainted with Judge Rutherford? A. Yes.

Q. You, of course, observed his acts and conduct at the Bethel table, did you not? A. I did.

Q. And have you noticed him at times when comments were had at the table? A. Yes.

Q. And based upon your observation, could you tell the Court and jury what his attitude was in reference to his brethren at Bethel? A. He was always kind and genteel and considerate and fatherly.



*Eugene Dallas Orrell—For Defts.—Direct*

Q. And in your dealings with him, was he the sort of a man that would take suggestions from you? A. Yes, very much so.

Q. During the time that you were at Bethel, did you hear any dirty, filthy, smutty jokes passed around the Bethel table? A. Never.

Q. Did you find Judge Rutherford to be the sort of a man that discriminated against his brethren? A. I did not.

Q. Was the use of liquor glorified so as to condemn total abstainers? A. No.

Q. Was the use of liquor glorified at the table or anywhere at any time at Bethel? A. Never.

Q. You are familiar with the seventh floor, are you not, Mr. Orrell? A. I am.

Q. Did you ever occupy a room on the seventh floor? A. During the year 1931 and part of 1932 I occupied a room just adjacent to Judge Rutherford's office.

Q. Is that the room that was turned into the treatment hospital room? A. Yes.

Q. At that time who else lived on the seventh floor, if you recall? A. Judge Rutherford and Bonnie Boyd, and her mother.

Q. Did you see O. R. Moyle during the year 1939? A. I did.

Q. Did you see him at the Madison Square Garden Convention entitled "Government And Peace"? A. Yes. I saw him there.

Q. You heard the testimony of Mr. Heath with reference to the interference at Madison Square Garden, did you not? A. I did.

Q. And your testimony as to that disturbance would be substantially the same, would it not? A. Yes, mine would be the same.

Q. That is, insofar as the disturbance was concerned? A. Yes.

Q. You were arrested growing out of that disturbance, were you not? A. I was.

Q. And you were one of the defendants along with Mr. Heath, were you not? A. Yes.

Q. After your arrest and release, did you have occasion to have a conversation with Mr. Moyle, prior to July 11, 1939? A. Yes, on July 8th or 9th.

Q. What day of the week was this, if you recall? A. I think it was Friday.

Q. And where was it? A. In his office, at 117 Adams Street.

Q. And that is on the top floor of the factory office building, is that right? A. Yes.

Q. On that occasion, was anybody else present? A. No, no one present but he and I.

Q. Did you go there to talk to him about your case? A. Yes, I was sent there by Judge Rutherford.

Q. What, if anything, did Mr. Moyle say to you? Did he go into this matter extensively as to what the defense was, or was the conversation short? A. Well, the conversation was short. Do you wish me to relate?

Q. If you can, in substance. A. Well, he took the file out and said, "Your case is in pretty good condition. And I am wondering," he said, "if we couldn't get rid of your case and if you will plead guilty, I believe that we could get rid of your case, and the fine, I am sure, would not be very much; $10 or I may even be able to get that remitted."

Q. And what did you say? A. Well, I said to



him, "I don't know; I will have to see about that."

Q. Did you discuss that with anyone else before you saw Mr. Moyle the next time? A. No, I did not discuss it with anyone else.

Q. Now then, when was the next time that you saw Mr. Moyle after that occasion? A. On the day of the trial of July 11th, at the Felony Court.

Q. And you heard the testimony of Mr. Heath as to what happened on that occasion, did you not? A. Yes.

Q. And if you testified, yours would be substantially the same, is that correct? A. Very much the same, yes.

Q. After the proceedings were all over at the Magistrates Court there in the Criminal Courts Building, did you have occasion to have a conversation with Mr. Moyle again? A. Yes, coming from the Court to the Brooklyn Street Car Line, coming over the Bridge. I asked him the question—I said, "Why did they ask me to stand aside and stay so long without any decision in my case?", and he said, "I was talking with the attorneys," and then he said, "I still believe that if you plead guilty that I could get rid of your case and that you would not have to pay a fine of over $10."

Q. And what did you say to him? A. I said, "I have already plead and I am not guilty of any crime, and if I plead guilty, it would incriminate my brethren. And, furthermore, it would incriminate the organization, for I was obedient to the instruction as given to me."

Q. And were you later acquitted of the crime you were charged with? A. I was.



Q. After you had this conversation with Mr. Moyle, where did you go, and did you tell anyone about it? A. Well, on the way over the Bridge, I determined that I would immediately go and tell Judge Rutherford about it. I had not done so because—

Mr. Bruchhausen: I object to the "because."

The Court: No "because."

Q. You need not give any explanation. Just tell what you did. A. I went then straight to Judge Rutherford's office, and downstairs I asked for an appointment with him, and he told me to come up, or sent word for me to come up.

Q. And did you tell him what you told the jury? A. I related exactly that.

Q. Did Judge Rutherford after that get in touch with Mr. Moyle and did Mr. Moyle come to Judge Rutherford's office before you, and was this matter discussed later? A. When I related it to Judge Rutherford, he took the 'phone and said, "Get Nathan on the 'phone." And he said—

Mr. Bruchhausen: If this is not in the presence of the plaintiff, I object.

The Court: Objection sustained.

Mr. Bruchhausen: And I move to strike out the answer.

By the Court:

Q. As a result of some conversation, Mr. Moyle came over to Rutherford's office? A. Yes, that is right, sir.



By Mr. Covington:

Q. And he came in, and who was there; you and he, and was the Judge there? A. Judge Rutherford, myself, and Mr. Moyle.

Q. Did Judge Rutherford ask you to relate that in the presence of himself and Mr. Moyle? A. He did.

Q. And did you repeat that? A. I repeated it.

Q. And what did Mr. Moyle say in response to the statement made? A. He said, "Well, that would get rid of Orrell's case."

Q. And then did Mr. Moyle leave? A. Yes. Judge Rutherford said, "That is all."

Q. And when was the next time that you saw Mr. Moyle? A. The next time I saw Mr. Moyle was several days later in Judge Rutherford's office; I think about two days later.

Q. Who was present on that occasion? A. Mr. Heath, Judge Rutherford and myself and Mr. Moyle.

Q. Tell us what took place on that occasion, if you recall? A. Judge Rutherford asked Mr. Heath several questions, about whether he wanted Mr. Moyle to continue to represent him, and then turned to me and he said, "Gene, do you want Moyle to represent you in this case?" I said, "Positively not." Then Judge Rutherford said, "Why?" I said, "Because anyone who had acted so indifferently as Mr. Moyle, and further, as one that would offer a compromise to me, I do not think he is worthy of handling the case."

Q. And on that occasion, was it agreed then to get other counsel? A. Well, there was something said about that after Mr. Moyle left—



The Court: And don't tell us.

The Witness: I could not say.

Q. Well, other counsel was retained in the case, was it not? A. Yes.

Q. There is in evidence Defendants' Exhibit D-13, of which these (indicating) are duplicates. I would like to have you look at these three letters (handing to witness). A. Yes, I saw these.

The Court: He did not ask you anything.

The Witness: I beg your pardon.

Q. Mr. Orrell, these are duplicates to Defendants' Exhibit D-13. Did you see these, one addressed to Mrs. Grace Selah, another to Mr. Harvey Gibbs, Dana, North Carolina, and one to H. V. Capps, Henderson, North Carolina? A. Yes, I saw those.

Q. Were they handed to you in your travel through the zone? A. They were handed to me in my travel, yes, during the time that I was on the road.

Q. Did you ask for them? A. No, I did not. They voluntarily gave them to me.

Q. And when you got them, what did you do with them? A. I immediately sent them in to Headquarters.

Q. Do you mean by that to the Watch Tower Bible & Tract Society, 117 Adams Street, Brooklyn? A. Yes.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. What section of the country have you in



your jurisdiction for the Society? A. Now or then?

Q. Let us have now. A. I am now the Servant to the brethren in North and South Carolina.

Q. And how long have you been acting in that capacity? A. Since last October.

Q. Where were you acting in 1939? A. I was acting in Eastern, North Carolina.

Q. Where were you in July and August of 1939? A. July and August, I was in Brooklyn.

Q. When did you first go to the Carolinas? After August. A. Sometime, I think, in October.

Q. And you went around to the different zones, or the different companies? A. Yes.

Q. How many companies are there in—is it South Carolina? A. North Carolina, it is.

Q. How many companies are there there? A. Well, there is about 25 companies embracing that particular zone.

Q. Do you recall what part of October you got to Carolina? A. About the 15th, I think.

Q. When did you leave Brooklyn? A. Well, just previous to that.

The Court: The day before, I take it.

Q. And did you have a regular time schedule to visit down there or was this some special mission? A. No, I had a time schedule.

Q. That had been fixed up in advance? A. And sent out by Headquarters.

Q. Is that a printed schedule? A. That is a printed schedule.

Q. When did you receive that schedule before you went down there? A. I think I received it while I was here. I am not sure of that, but if not then, shortly after I arrived to the zone.

By the Court:

Q. Either shortly before or shortly after you got there? A. Yes.

By Mr. Bruchhausen:

Q. And you were handed down those letters while you were down there in October? A. Yes. This was not 1939, though.

Q. You say it was not in 1939? A. No.

Q. What year was it? A. This was in 1940.

Q. What month in 1940? A. It was in the fall of the year 1940.

Q. And those were the first letters that were handed to you by anyone down in South Carolina affecting Moyle, pertaining to Moyle? A. Yes, those were the first letters handed to me.

Q. Do you recall receiving instructions from Mr. Rutherford or anyone else to pick up anything that pertained to the Moyle matter? A. No, I did not.

Q. When you went to Brooklyn or stopped in, you would get instructions about different things, wouldn't you? A. Yes, from the Service Department.

Q. And when did you first learn of this matter of Mr. Moyle and his letter? A. That was in July, 1939.

Q. What time in July? A. Or rather, August, 1939, August 8, 1939.

Q. Did you then know that you were going to South Carolina, or to the Carolinas? A. I did not, at the time.

Q. But Mr. Howlett was there, wasn't he? A. No.

Q. Were you at the later meeting in September that Mr. Howlett attended? A. No, I wasn't present at that meeting.



Q. At the September meeting? A. I wasn't present.

Q. Do you know what transpired at that meeting? A. No, I did not.

Q. Do you know that Mr. Howlett was sent out to Wisconsin? A. I saw Mr. Howlett present there but did not know of his commission.

Q. Now, you have mentioned something about this Madison Square Garden episode, didn't you? A. Yes.

Q. Were you one of the ushers with the canes? A. Yes, I was.

Q. Accused of striking somebody with a cane? A. That was the accusation.

Q. You had the cane at the time, did you? A. I did.

Q. Were you in this section that was filled with disorder back of the speakers' stand? A. No. I was on the first floor at the time when the disorder began.

Q. And whom did you tap with the cane?

Mr. Covington: That is argumentative, if your Honor please.

The Court: Objection sustained.

Q. Have you been a guard or an usher at other occasions? A. Yes.

Q. How many times have you acted as a guard?

Mr. Covington: Your Honor, this is immaterial, as to other conventions.

The Court: Objection sustained.

Q. Whom were you delegated by to go over there to Madison Square? A. I was delegated by Mr. Hannan, the chief of the ushers.



Q. Did you receive any instructions from Mr. Heath? A. I did not.

Q. And how long before you went to the Garden did you receive your instructions? A. Well, I was an usher through the convention, and therefore I received my instruction at the first day of the convention.

Q. At the convention or before you got there? A. At the convention.

Q. And you received them how; in writing? A. I received them verbally.

Q. Did you see the written instructions? A. I did not.

Q. And what time of the day did you receive your instructions? A. Well, I was with Mr. Hannan during the day at different times, and therefore I received instruction from him as it was necessary.

Q. Now, the first happening, as far as the court proceedings after the Madison Square Garden episode, was when and where, as far as you were concerned? A. The first happening, did you say?

Q. Yes. A. Well, the next morning I had to appear.

Q. That was on the preliminary arraignment? A. That is right, yes.

Q. And that was what date? A. The 26th of June, I think, the next morning.

Q. And a plea of Not Guilty was put in, wasn't it? A. Yes.

Q. And Mr. Moyle put in the plea of Not Guilty? A. That is right.

Q. There was no dispute about that by you, was there, at that time? A. There was no dispute.



Q. And was a statement of facts taken at that time by Mr. Moyle from you? A. From me?

Q. Yes. A. A statement of facts was taken either a day or two later, because I was requested to write out a statement of facts.

Q. And Mr. Moyle requested you to do that, didn't he? A. I don't know whether it was Mr. Moyle or whether it was Judge Rutherford, but I was requested to make out a statement of facts.

Q. You mentioned Mr. Rutherford because everything was reported to Mr. Rutherford by you, wasn't it? A. No, I did not report everything to him in that connection.

Q. Were you living on the seventh floor on that date? A. No, I wasn't living on the seventh floor then.

Q. But you constantly did report directly to Mr. Rutherford, didn't you? A. Not constantly, no; only when I was called in conference.

Q. Whenever you had anything to report, you reported it to Mr. Rutherford? A. Either that or to one of his secretaries, or to Mr. Moyle.

Q. And on this occasion, it is possible that you did go to Mr. Rutherford and give him the statement of facts, or some one of his secretaries? A. I think I gave the statement of facts to Mr. Moyle.

Q. Are you sure about that? A. I am not positive, but I think it was given to him. It was either given to Heath or to Judge Rutherford.

Q. Have you seen that statement of facts at any time since you gave it? A. No, I have not seen it.

Q. Well, you have talked about this situation



with somebody in recent times, haven't you? A. I related the incident to my attorney.

Q. And didn't you talk about taking a statement of facts, didn't you refer to that? A. No, I don't think so. No, I know not.

Q. You know that a statement of facts was taken, don't you? A. Yes.

Q. And you were asked to give all of the details about it, either to Mr. Rutherford or Mr. Moyle? A. I related it and wrote it out in person on the typewriter and presented it, yes.

Q. You have not any quarrel about that; that contained your entire story, did it not? A. That did.

Q. And then what next happened after that arrangement and the giving of the statement of facts? A. Happened, in what connection?

Q. In connection with this case. Did you appear in court?

The Court: The Madison Square Garden incident and your arrest?

A. The incident was next July 11th, in court.

Q. So you say that you appeared twice in court; this one time was in June on the arraignment— A. Yes.

Q. (Continued)—and then on July 11th? A. That is right.

Q. Between the arraignment in June and the appearance on July 11th, nothing happened as far as this case was concerned? A. Other than my conference with Mr. Moyle.

By the Court:

Q. That you have related here? A. I have already related here.



By Mr. Bruchhausen:

Q. What date did you say that conference was? A. That was Friday, the 8th. I am pretty positive it was that date.

By the Court:

Q. Of July? A. Yes.

Q. The Friday before the Monday that you had your hearing? A. That is right, yes.

By Mr. Bruchhausen:

Q. Where did it take place? A. It took place at 117 Adams Street, in Mr. Moyle's office.

Q. Were you requested to come in there? A. I was sent there by Judge Rutherford.

Q. You were not requested by Mr. Moyle, were you? A. Judge Rutherford said I should go over and confer with Moyle on my case.

Q. And you did have a conference about the case? A. I did.

Q. And you did go over the facts, did you not? A. No, the facts were not related at the time.

Q. Was the statement of facts before you at that time? A. Not before me.

Q. Did you see the statement of facts in Mr. Moyle's office? A. I did not.

Q. Did you ever see the statement of facts in his office? A. No.

Q. And before you went over to Mr. Moyle's office, you had talked to Judge Rutherford, hadn't you? A. I had been sent there by him.

Q. I am asking you whether before you went to Mr. Moyle's office you did not talk to Mr.

Rutherford. A. Not about the case. Just merely sent there.

Q. Were you in Mr. Rutherford's office? A. Yes, I was, and he sent me there.

Q. But you had talked with Mr. Rutherford about the case at sometime before you went to Mr. Moyle's office, did you not?

The Court: On the 8th.

Q. (Continued) On the 8th? A. Well, I had spoken to him about it. I had on several occasions from after June 25th up until that time.

By the Court:

Q. You spoke to Mr. Rutherford on several occasions, between June 25th and July 8th? A. Yes, sir, that is correct.

By Mr. Bruchhausen:

Q. You have gone over all the facts in the case with Mr. Rutherford? A. I have what?

Q. You have told the facts in the case to Mr. Rutherford? A. I think Judge Rutherford had knowledge of it. I don't know as I told him in person, no.

Q. But you knew that he knew the facts in the case? A. I am confident that he did.

Q. And that was before you went to Mr. Moyle's office on July 7th or 8th? A. Yes, that was before.

Q. So all of these happenings in the case, your appearance at court and all that, were directly reported to Mr. Rutherford; he was following the case, wasn't he? A. Some were reported direct to Mr. Moyle.

Q. But you also reported to Mr. Rutherford?



A. Well, I don't recall any definite report made to Judge Rutherford. I cannot recall any definite report that I made to him.

Q. You have known Mr. Rutherford since 1910, haven't you? A. Yes.

Q. And you were very friendly with him? A. Yes, I was friendly with him, very.

Q. You even stayed up on the fifth floor there with him? A. Seventh floor.

Q. Seventh floor with him for some time? A. Yes.

Q. And you were the only member of the Family other than the secretarial staff who stayed on that floor? A. At that time.

Q. Was Mrs. Heath on that floor? A. She wasn't.

Q. You say at that conversation on July 8th or 9th, you had been told the case was in good condition? A. By Mr. Moyle.

Q. And everything was all ready to go ahead with the hearing on July 11th? A. And then he stated as I have related.

Q. There was no plea of Guilty entered in the case; that is correct, is it not? A. That was correct.

Q. There was no plea of Guilty in the case, and when the case came on for trial on July 10th, is it, or 11th?— A. July 11th.

Q. July 11th, both lawyers were there and Mr. Moyle and Mr. Wheeless, and they presented the facts in the case, didn't they? A. I think Mr. Moyle presented the facts in the case.

Q. Don't you recall Mr. Wheeless being there? A. Yes, he was present.

Q. And he was examining witnesses, Mr. Wheeless was? A. That is right.



Q. And they went ahead and tried the case? A. Yes.

Q. And eventually you were acquitted, weren't you? A. Eventually I was acquitted.

Q. Did you know about the attempt to retain Mr. Leibowitz in the case? A. No.

Q. Did you ever hear that name? A. I have heard the name because he is a prominent lawyer.

Q. Yes, but didn't you know in the conversations that went on even before the hearing on July 11th, that they had consulted Mr. Leibowitz? A. No.

Q. You are sure you did not hear of it? A. I didn't hear that.

Q. Have you heard of it since? A. No, I have not.

Q. You said you had a conversation after you came out of court on the 11th, is that it? A. After what?

Q. You had a conversation with Mr. Moyle on the way back from court? A. On the way back.

Q. And where was that, on the street or on some conveyance? A. On the street and also it was continued on the conveyance coming across the Brooklyn Bridge.

Q. And you say that he said something about pleading guilty? A. He practically repeated what he had said to me in the conference of the 8th, in reply—

Q. And this you are sure occurred after the hearing on July 11th? A. Immediately after.

Q. Don't you know that all the testimony was in on July 11th in the case? A. I know the testimony was given that morning.



Q. And you knew, did you not, at that time, of this conversation, that the plea entered in the court record was Not Guilty, and that the testimony had been put in in support of the plea of Not Guilty, didn't you? A. I told him that I had already plead Not Guilty.

Q. I am asking you whether you did not know, when you walked out of the court with Mr. Moyle, at this time you speak of as to the conversation, that the plea of Not Guilty was entered on the court record, and that the testimony had been interposed in support of the plea of Not Guilty. A. I know this—

The Court: No, did you know that.

Q. Did you know that? A. I could say I don't know fully the routine of the court there. You might put it that way.

Q. You know that the lawyers did something in the court? A. I know that there was a preliminary—that I was held there for trial.

Q. You know that testimony was taken. A. I know testimony was taken.

Q. And how long were you in court that morning? A. How long was?

Q. How long were you in court on the morning of the 11th of July, 1939? A. Till about 1:30, I think, somewhere along there, one o'clock.

Q. You had been there all morning since about nine o'clock, hadn't you? A. Yes.

Q. And witnesses had gone on the stand in your case, had they not? A. Yes.

Q. And Mr. Wheeless had examined witnesses? A. Yes, he had.

Q. So that the case was completed before you



left court on that day? A. I understand that I was held for trial.

Q. But the case was completed in that court before you left court that day?

The Court: If you don't know, tell him you don't know.

The Witness: I don't know, sir.

Q. You knew that you did not have to go back to that court, didn't you? A. I did not know that.

Q. Well, did you or did you not ever go back to that court? A. I did not go back to that court.

Q. So the next time you went into any court was in the Court of Special Sessions? A. That is right.

Q. And that is the Court that acquitted you in the case? A. That is right.

Q. So as far as you know the case was concluded in the Magistrates Court on July 11th before you had this alleged conversation with Mr. Moyle? A. I knew that I was held for trial.

Q. Don't you understand my question?

Mr. Covington: May it please the Court, this is argument. Counsel is arguing—

Mr. Bruchhausen: I am asking him if he knows.

Mr. Covington: I object to it.

The Court: You may object to it as argument and summation.

Mr. Covington: Yes.

Q. Did you or did you not know that all the



testimony was in and the case was completed? A. I did not know.

Q. Do you mean to tell us that you did not know that you were held for the Court of Special Sessions?

Mr. Covington: We object to this.

The Court: Objection sustained.

Mr. Bruchhausen: Exception.

Q. You had known Mr. Moyle for how long before this occasion of 1939? A. I knew him in 1933. I am pretty positive it was 1933.

Q. And did you meet him in Bethel from 1935 to 1939? A. I saw him from time to time.

Q. And you knew that he was handling cases in many parts of the country, and, in fact, all of the cases Jehovah's Witnesses had in many parts of the country, didn't you? A. Yes, I knew he was general counsel.

Q. And did you at any time prior to this occurrence in Madison Square Garden ever hear any criticism of Mr. Moyle as a lawyer. A. I did not.

Q. So that this is the first time, these statements that you make about him, that you know of, that there was ever any criticism of Mr. Moyle as a lawyer? A. Yes.

Q. You were at one time in charge of the work in Philadelphia, weren't you? A. I was.

Q. And you are a moderate drinker, are you not? A. Well, I drink moderately, I would say.

Q. And, of course—

Mr. Covington: This is immaterial, if the Court please.

The Court: Objection sustained.

Q. Didn't you have a drink once in a while at Bethel?

Mr. Covington: This is also immaterial, if your Honor please.

The Court: I will permit him to answer that.

A. Yes, I have.

Q. Up on the seventh floor? A. Yes.

Q. And on some of the other floors? A. In my room, always.

Q. In fact, you did have a party once in a while in your room, didn't you? A. No.

Q. Didn't the boys get pretty high sometimes? A. No.

Q. Are you sure about that? A. Positively not.

Q. But you did have others who visited you in your room on these parties, did you not? A. I never had any parties.

The Court: He has testified he never had any parties.

Q. You say that no one ever visited you in your room on an occasion of that kind for a little refreshment? A. I say, I never had any parties in my room.

Q. Has anybody ever visited you in your room for refreshment? A. Yes.

Q. Some of the boys around the place? A. No.

Q. Who? A. Well, Judge Rutherford, when I lived on the seventh floor, knocked at my door at night once in a while, when he would close his work, and he would say, "Gene, what are you doing?" I said, "Well, I am at your service." He said, "Well, don't you want to go for a walk? I am through." It would be ten o'clock or along there, and I have had a drink with Judge Rutherford under those circumstances, and we would go for a walk and then return and go to bed.



Q. Let me direct your attention to the fifth floor. What period of time did you live on the fifth floor? A. I lived on the fifth floor, I think, in 1931, a part of 1931.

Q. Weren't you there after that time? A. I don't think so.

Q. Where did you stay in 1939? A. In 1939, I stayed on the sixth floor.

Q. Didn't you at those times or at either of those times, occasionally have someone in for refreshments? A. I did not.

Q. Will you deny to this Court and jury that you never had parties in your room? A. I have never had parties in my room.

Mr. Bruchhausen: No further questions.

Mr. Covington: That is all.

(Witness excused.)



GILBERT YARWOOD McCORMICK, 124 Columbia Heights, Brooklyn, a witness called in behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. McCormick, how long have you been one of Jehovah's Witnesses? A. Approximately 1919 I made a consecration to serve the Lord.

Q. How long had you been acquainted with Judge Rutherford? A. About 1920—knowing of him before that time, of course.

Q. When did you become a member of the Bethel Family? A. In 1929.

Q. Prior to that, did you serve the—I mean, after 1929, did you serve the Watch Tower Bible & Tract Society as a traveling Evangelist and Minister? A. Yes, I did.

Q. In what states? A. I covered— You mean, from 1929 on?

Q. Yes. A. —every state in the Union then.

Q. What years were you staying at Bethel, 124 Columbia Heights? A. I stayed there in 1929, and I had a permanent residence from 1934 until 1936, and of course I am there now permanently.

Q. How long have you been at Bethel this time? A. I came October 16th, of last year, 1942—1941.

Q. You were there during the time that Mr. O. R. Moyle resided in Bethel, were you not? A. Part of the time while he was there, because I left before he was leaving.

Q. While you were there during that time,



did you serve in the capacity as Bethel Servant? A. Yes, I did, sir.

Q. That is the same position that is now occupied by Mr. Suiter, isn't it? A. Exactly, yes, sir.

Q. During the time that you have resided at the Bethel Home and after you became acquainted with Judge Rutherford, did you have occasion to observe his conduct at the Bethel table? A. Yes, regularly, every day.

Q. And have you seen him preside at the table when brethren would make comments? A. Yes, sir, I have.

Q. Have you ever noticed any tendency or disposition on his part to deny the brethren an opportunity for free speech? A. Absolutely not. He rather encouraged it.

Q. Did he glorify the use of alcohol at the table? A. Absolutely never, to my knowledge.

Q. Did you ever hear him label total abstainers as prudes? A. No, I don't recall him making that statement at the table nor privately either.

Q. Are you familiar with the accommodations that the Judge had at 124 Columbia Heights? A. Yes, I am.

Q. And have you visited at Staten Island? A. Yes, I did.

Q. And have you been at the Kingdom Farm? A. Yes, sir, I have.

Q. Would you tell whether or not he discriminated against his brethren in favor of himself in the use of such accommodations. A. No, sir, he did not.

Q. Have you ever heard filthy, dirty and smutty stories passed around the Bethel table



at any time that you have been there? A. Never, to my knowledge, not once.

Q. What was the attitude of Judge Rutherford towards provisions for the members of the Bethel Family? A. Well, he was very insistent on seeing that the Bethel Family was well taken care of, well provided, from the standpoint of accommodations in their rooms, and likewise for the food provided for them, that it was tasty and well cooked and taken care of, so that they got the very best that could possibly be sent there at all times. And then as to his personal reaction to them, he was kindly disposed, friendly, brotherly.

Q. Have you ever had occasion to make any suggestions to Judge Rutherford with reference to anything pertaining to the Bethel Family? A. Yes, several times.

Q. Had he ever accepted or recognized any of your suggestions? A. Yes, sir, he did, many times.

Q. Had he ever denied you the right of freedom of expression yourself at the table? A. No, sir, never did.

Q. Did any of the members of the Bethel Family ever complain to you about any dictatorial practices on the part of Judge Rutherford? A. Never once in the time that I served there did that happen.

Q. While Mr. Moyle was there, did he ever complain to you about the dictatorial practices of Judge Rutherford? A. Mr. Moyle never said a word of that character to me about that.

Q. When did you first meet Mr. Moyle? A. I should say it was in 1932 or 1933. I am not



too sure, but when I was serving the mid-West, I would meet these men and women round about.

Q. Did you meet Mr. Moyle at the Washington Convention the year that he came to Bethel? A. Yes, sir, I did.

Q. Did you accompany him from Washington to New York? A. Yes. I had specific instructions from Judge Rutherford to guide Mr. Moyle in his car so that he could follow the car I was driving right directly to Bethel House and then to put him in a satisfactory room.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How long have you been a Minister? A. Well, since 1919, I should say.

Q. Through a divinity school? A. No, I never did.

Q. Through the Watch Tower? A. Through the Watch Tower, yes, sir.

Q. How long did it take you to become a minister? A. Well, we had a series of questions called V.D.M. questions, which you submitted, and on the basis of your standing, that you were duly accredited to represent the Watch Tower Bible & Tract Society in that capacity as a Minister.

Q. Where did you get these questions? A. From the Watch Tower Bible & Tract Society.

Q. You mean they mailed them to you? A. They did not mail them to me because I called for them and got them at the office.

Q. Where was the office at the time? A. At that time the office was on Concord Street.

By the Court:

Q. In Brooklyn? A. In Brooklyn, yes, sir.

By Mr. Bruchhausen:

Q. So you would call there and get these questions from time to time? A. Yes. There was an office there.

Q. And take them home and work on them, is that right? A. Naturally, yes, I would work at home and I presume sometimes in the office I may have done that likewise. I wouldn't just say where.

Q. At least you did it away from the Watch Tower? You did it in your own quarters? A. Yes, I did it in my own quarters in my own time.

Q. And how long did that go on? A. What go on?

Q. This system that you used of the questions? A. That was something that was worked out by the Society. I wouldn't know that.

Q. How long did it go on with you before you became a minister? A. There was a series of questions—

The Court: He wants to know how long, what period of time elapsed from the time you first got the questions until you were ordained, as you say.

The Witness: You attended study meetings at which there was a discussion of the Bible, and then these questions were given to you.

The Court: He asked you how long, how much time.

The Witness: These questions were printed. They gave you—.

The Court: How long from the time you started?



The Witness: I would say approximately a year.

Q. How did you find out that you had attained the ministry? A. They returned the questions back and they were all marked up.

Q. Did they say on the paper you were a minister or just what did they do? A. No, they gave you a marking, a rating.

Q. What did it say, 100%, or something like that? A. It said, 96.4, to be exact. That stuck in my mind.

Q. Did that indicate—

The Court: And that was high enough to be a minister, is that what you want to tell us?

The Witness: Yes. In other words, if you did not pass with a mark of 70%, then you would take the questions over again.

Q. And did you get a certificate showing that you were a minister? A. I now have, yes, sir, signed by C. A. Wise, the former vice president of the Watch Tower Bible & Tract Society, dated 1930.

Q. Was that the first certificate you got? A. Yes.

Q. Did you get any letter or anything showing that you were a minister? A. They returned those questions with that percentage, which indicated you had a passing mark.

By the Court:

Q. And then you determined yourself that you were a minister, is that what you want to tell us? You determined that you were ordained a minister, as one of the Witnesses said, by his heart? A. It would be more than your heart.



Q. As long as you had passed the questions and your heart said, "Yes," you knew you were ordained a minister? A. That is correct.

By Mr. Bruchhausen:

Q. Did you have any credentials to show at that time that you were a minister? A. Other than that paper?

Q. Yes. A. We received identification cards since then, yes.

Q. But you did not at that time? A. Not that I recall.

Q. Do you know who passed on your questions as to whether you had gotten 96%, or something like that? A. No, I wouldn't know that.

Q. Where would—Where did you say the office was that you left your answers at? A. At Concord Street.

Q. Is that where they then had their Headquarters? A. That was the factory office at that time, yes.

Q. In any particular department? A. The office department.

By the Court:

Q. You mailed them in to Concord Street? A. That is right.

Q. Delivered or mailed them? A. Delivered them.

Q. To this clerk who was taking the mail? A. That is right; yes, sir.

By Mr. Bruchhausen:

Q. Had you attended any church before you



got interested in the Watch Tower? A. You mean outside churches?

Q. Yes. A. Oh, yes.

Q. What? A. Well, I have attended Jewish synagogues, Presbyterian churches, Roman Catholic churches, Methodist churches—

Q. Was that before you became a Watch Tower minister? A. Yes.

Q. But you have not since you became a Watch Tower minister? A. No, I have not.

Q. Since that time you have taken all your instruction from the Watch Tower organization? A. Pertaining to my activities representing them, yes.

Q. And you read the "Watch Tower" magazine regularly? A. Yes, I do.

Q. And attend lectures, and that sort of thing? A. Yes, sir, I do.

Q. You don't attend any other religious lectures any place else other than the Watch Tower? A. No, I do not.

Q. Your home where? A. 124 Columbia Heights, Brooklyn, New York.

Q. You traveled—How much time did you travel in 1939? A. Immediately after the convention at Madison Square Garden I went back to the road. So I would say all the balance of that year, and prior to the convention, whatever time it took me to come in from the road. I was around Cleveland, Ohio, at that time, when I received the notice to come in and attend the convention.

Q. Are you in charge of any area or zone? A. No, I am not.

Q. Do you have anything to do with literature? A. At this time?



Q. At any time have you had anything to do with literature, booklets and pamphlets, or taking them out through the country? A. You mean acting as a Witness handing them to people?

Q. Yes. A. Certainly, I go from door to door.

Q. Is that what your function is now? A. No, it isn't my function, although I do that now.

Q. Do all these ministers who are out on the road do that, too? A. Yes, absolutely every one of them.

Q. They spend a certain proportion of their time in going from door to door and going out with the phonographs? A. I would not say "certain". I would say all the possible time.

By the Court:

Q. All your free time? A. Yes, sir.

By Mr. Bruchhausen:

Q. So that is the major activity of the ministers, isn't it? A. The major activity is more than that.

By the Court:

Q. That is one of his activities? A. That is one of his activities, that is right.

By Mr. Bruchhausen:

Q. Do you get a commission on those things? A. No, sir, we do not. I don't either, personally.

Q. You don't take a commission on it? A. No, sir.

Q. You know that some get a commission on



it, don't you? A. I don't know that some get a commission on it, no, sir.

Q. You never heard of anybody going out with these books that receives a commission? A. No, sir.

By the Court:

Q. Do you get any revenue from it? A. I have spent more money than I got.

Q. No; did you get any revenue from it? A. Do you mean an income from it?

Q. Yes. A. No, sir.

By Mr. Bruchhausen:

Q. What do you do with the contributions you get? A. Turn them into the Society in exchange for the literature which I in turn pass out.

Q. You have attended at mealtime down at Bethel, have you not? A. Yes, I am a regular eater.

Q. You know that there was something said in the letter by Mr. Moyle about you, don't you? A. Yes, the letter was shown to me.

Q. You have been called to account by Mr. Rutherford, haven't you? A. Would you mind repeating that?

Q. Haven't you been criticised by Mr. Rutherford? A. No, I wouldn't say that.

Q. Has he ever talked to you about anything that he wanted you to do? A. Yes.

By the Court:

Q. Have you been corrected by Mr. Rutherford? A. Oh, yes, I have been corrected, yes.

By Mr. Bruchhausen:

Q. The Judge was pretty positive the times he made these corrections, wasn't he? A. Yes, he was rather positive.

Q. He was rather direct in bringing home his points, wasn't he? A. Certainly.

Q. He would say, "Now, McCormick"— Did he call you McCormick or Dr. McCormick? A. He called me "Mac," or "Brother Mac," or "McCormick."

Q. Did he say, "Mac, I don't want you to do that anymore?" A. I don't recall any statement like that, no.

Q. He would not come to you and say, "Mac, I have been thinking that this is wrong, what do you think about it?" A. Yes, he would, sometimes.

Q. You could hear this conversation all over the dining room? A. He talked through an amplifying system.

Q. He would not say, "Mac, come up to my office, I have got something to tell you?" A. Oh, yes, he did.

Q. On some of these occasions he would bring it out in the dining room? A. I don't ever recall anything like that in the matter of correction was ever brought out in the dining room relative to myself.

By the Court:

Q. You have never been corrected? A. In the dining room, no, sir.

By Mr. Bruchhausen:

Q. Do you swear positively to this Court and



jury that you have never been corrected in the dining room at Bethel? A. Positively, yes, sir.

Q. You said a moment ago you did not recall, didn't you? A. I did not recall what?

Q. That you have ever been corrected in the dining room? A. I said positively I was never corrected in the dining room.

Q. Are you sure you did not say a moment ago, "I cannot recall that I was ever corrected in the dining room"? A. If I did, I emphasized that he never did.

Q. Would this refresh your recollection, that on one occasion you were in the dining room and you were asked a question, you were asked a question by Mr. Rutherford and he didn't answer, and he shouted to you, "Why don't you answer?" A. I never recall anything like that, no.

Q. You don't recall that? A. No, sir.

Mr. Bruchhausen: No further questions.

Mr. Covington: That is all.

Mr. Bruchhausen: Wait a minute.

Q. You believe this is God's Organization On Earth? A. Yes, I do.

Q. And Mr. Rutherford was the head of it and God's Representative? A. At the head of the legal end of it.

Q. Wasn't he head of the organization? A. Well, head of the organization, meaning the society?

Q. Yes. A. We think of Jesus Christ as the head of that Organization.

Q. Wasn't Mr. Rutherford acting for Him



here? A. He was a representative of the Most High God, yes, sir.

Q. You believe everything that you read in the Watch Tower and accept it? A. Yes. Based on my study of it, yes.

Q. And you have never disagreed with any of it? A. Not to my knowledge, no, sir.

(Witness excused.)

Mr. Covington: Mrs. William P. Heath, Jr.

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BONNIE BOYD HEATH, residing at 4440 Braeburn Road, San Diego, California, called as a witness on behalf of the Defendants, being first duly sworn, testified as follows:

The Court: You are going to have to talk a lot louder than that.

Mr. Covington: Yes.

*Direct examination by Mr. Covington:*

Q. You will have to talk louder so I can hear you and the jurors can hear you. You will have to talk louder than you ordinarily do in conversation. A. Yes.

Q. When did you first come to Bethel, please? A. In 1923.

Q. And with whom? A. With my mother.

Q. And what part of the year was that, please? A. That was in the fall of the year.

Q. And was that the address, 124 Columbia Heights? A. Yes, sir.



Q. That was before the present building was constructed there? A. Yes, sir.

Q. And at that time who invited you to come to Bethel? A. My mother and I attended a convention and Mr. Van Amburgh asked me could I come in and help.

Q. You came to act as stenographer to Mr. Van Amburgh, is that right? A. Yes.

Q. And your mother also became a member of the Bethel Family, is that right? A. Yes.

Q. You are at present a member of the Bethel Family, but living in San Diego, is that right? A. I am.

Q. When did you become stenographer in the office of Judge Rutherford? A. In the year 1923.

Q. And at that time who else was the stenographer and secretary in the office? A. Mr. A. R. Goux.

Q. Was anybody else in the office at that time, besides you two? A. No, sir.

Q. When did Mr. Goux leave the office, if you know? A. About three or four years later, I believe.

Q. And during that time, before Mr. Goux left, he was acting as secretary, is that correct? A. He was.

Q. And when Mr. Goux left, who became secretary to Judge Rutherford? A. Mr. Donald Haslet.

Q. How long did Mr. Haslet continue to act as secretary? A. I think about four years.

Q. And when Mr. Haslet left, who became secretary? A. I became secretary then.

Q. And did you continue to act as secretary



until your husband, Mr. Heath, became secretary? A. Yes, sir.

Q. Now, who worked in the office during the time that Mr. Haslet was there? A. Mr. Haslet and myself.

Q. Were there ever any other stenographer in the office besides you and Mr. Haslet? A. Yes, at some of the times, Miss Bessie Twaroschk was in the office.

Q. And after Mr. Haslet left, did any one else become a member of the secretarial staff? A. Yes, Mr. Ed Keller.

Q. And did Mr. Ed Keller continue to serve with you up to the time that Judge Rutherford died? A. He did, yes, sir.

Q. Where were the quarters of you and your mother located during the time that you were at Bethel? A. My mother and I occupied a room on the seventh floor.

Q. And did you and your mother continue to occupy that room until you and Mr. Heath became married? A. We did.

Q. What position did your mother occupy with the Society? A. My mother was housekeeper for the seventh floor. She took care of that.

Q. Are there housekeepers on each floor at Bethel? A. Yes, sir. That is the arrangement.

Q. How long did your mother continue to be at Bethel? A. My mother was there until 1937.

Q. In the fall of the year? A. Yes, sir.

Q. Did she remain there until you and Judge Rutherford went West? A. Yes. She accompanied us to California.

Q. She did? A. Yes.



Q. And where is your mother located now? A. My mother is home in Texas.

Q. Did she have to discontinue services on account of her health and age? A. Yes. She is an invalid now.

Q. During the time that you worked with Judge Rutherford as stenographer and secretary, could you tell whether or not he was a hard worker? A. He was a very hard worker, spending sixteen to eighteen hours a day, including Sunday.

Q. And during that time, did you take all of his dictation for the books and the Watch Tower and such manuscripts? A. Yes. That was my part of it, the manuscript work.

Q. Did you continue to serve in that capacity up to the date he died? A. I did, sir.

Q. Outside of writing Watch Tower articles and the books and booklets, did Judge Rutherford have any other sort of work to attend to, as president for the Society? A. Yes, he did. There were nearly forty branch offices all over the world. He handled all the legal end of it until we had Mr. Moyle come in. He averaged, to my personal knowledge, more than fifty letters a day.

Q. And did he work on office memoranda, have communications with the factory? A. Yes. And he had many appointments during the day.

Mr. Bruchhausen: I don't see the relevancy of all this, if your Honor please.

The Court: Neither do I.

Mr. Covington: I am just—

Mr. Bruchhausen: I object to it.

Q. You are familiar with Staten Island, are you not? A. I am.

Q. When Judge Rutherford went to Staten Island, did he go out there for the purpose of working out there?

Mr. Bruchhausen: I object to it.
The Court: Sustained.

Q. Was the work as the Society's president confined to 124 Columbia Heights? A. No, sir.

Mr. Bruchhausen: I object.
The Court: Sustained. When there is an objection, please don't answer.

Q. You have eaten at the Bethel table quite a lot during the years you were there? A. Yes, sir.

Q. Did you have occasion to notice the attitude of Judge Rutherford toward his brethren? A. Yes.

Q. Would you tell us what that attitude was? A. He was exceedingly kind and considerate and always had the Bethel Family at heart, their comforts and everything in regard to their lives.

Q. Did he have frequent interviews with members of the Bethel Family? A. Yes, indeed.

Q. Did you notice whether or not Judge Rutherford permitted all the members of the Family to comment freely at the table? A. Yes, he did.

Q. What did Judge Rutherford do when he was at Staten Island? A. That was where he did most of his manuscript work in regard to the Watch Tower and the books.

Q. What did he do in California? A. In California he particularly wrote all the volumes, the



books and the booklets; and, of course, he had there also his office work to attend to.

Q. Did he carry on the same correspondence and office work there that he did when in New York? A. Yes, it was—

Mr. Bruchhausen: I object to it.
The Court: Objection sustained.

Q. Did his business require him to go to the Farm occasionally? A. Yes.

Q. When at the Farm did he carry on his work there? A. He did.

Q. Now, Judge Rutherford traveled a good deal, did he not? A. Yes, sir, he did.

Q. Made many speeches, did he not? A. Yes.

Q. Do you know Mrs. Peal? A. Yes, I do.

Q. There has been some mention made by counsel here. When did she come to Bethel? A. I believe Verna came in 1938.

Q. Did she come there to take your mother's place? A. Yes, she did.

Mr. Bruchhausen: I object to that.
The Court: Please ask her questions.
Mr. Bruchhausen: I move to strike out the answer.
The Court: Strike it out.

Q. What was her position at Bethel when she came to Bethel? A. Her position was that that my mother had, of housekeeper.

Q. And did she also—

The Court: Ask her the question.

Q. What other duties did she perform?

The Court: What other duties, if any, did she perform.



A. Yes, she did. She was a very fine dietitian and also a nurse. She assisted Mr. Howlett; when Judge Rutherford was very ill, she assisted him.

By the Court:

Q. Was she a registered nurse? A. No, I don't think so.

Q. You say she is a very fine dietitian? A. Yes.

Q. How do you know that? A. From her experience and the way she performed her duties.

By Mr. Covington:

Q. How many books and booklets did Judge Rutherford write, outside of the Watch Tower?

Mr. Bruchhausen: I object.
The Court: Objection sustained.
Mr. Bruchhausen: I will withdraw the objection.

Q. All right. How many books and booklets did Judge Rutherford write, outside of the Watch Tower? A. Nearly one hundred.

The Court: When?

Q. During the time you were with Judge Rutherford. A. Nearly one hundred books and booklets.

Q. You and Mr. Heath were married when? A. January 25, 1938.

Q. And where? A. In Nevada.

The Court: What town?
The Witness: Las Vegas.



Q. And, after you were married, did you take up residence at Beth Sarim? A. Yes, sir.

Q. At 4440 Braeburn Road, San Diego? A. Yes.

Q. And, after the winter work was done in California, did you and Mr. Heath return—

Mr. Bruchhausen: I object to the leading questions. That, and it is irrelevant, if your Honor please.

Q. When did you first become acquainted with Mr. O. R. Moyle? A. When he came to Bethel in 1935.

Q. And during that time did Mr. Moyle have work with Judge Rutherford? A. Yes, he did.

Q. What were his relations to Judge Rutherford? A. He was confidential counselor for Jehovah's Witnesses.

Q. When he came there did Judge Rutherford transfer to and assign to Mr. Moyle any duties? A. He did. He assigned all of the court cases and all the legal end of it, to Mr. Moyle.

By the Court:

Q. Did he divorce himself completely from the legal work? A. Not entirely.

Q. He supervised it? A. Yes.

By Mr. Covington:

Q. Did Mr. Moyle carry on correspondence with Judge Rutherford during that time in reference to the legal matters? A. He did.

The Court: When Judge Rutherford was out of town?



Q. Yes, when Judge Rutherford was out of town. A. Yes.

Q. Was that true while he was in California? A. Yes.

The Court: And Judge Rutherford corresponded with him, I take it?
The Witness: He did, yes, sir.

Q. After you and Mr. Heath became married, did you have any arrangements with reference to staying at Bethel?

Mr. Bruchhausen: I object to that, unless they state what they did there.

Q. What, if any, arrangement was made between Mr. Heath, you and Judge Rutherford with reference to your staying at Bethel after you were married?

Mr. Bruchhausen: I object to the form of the question.
The Court: Please don't. You have been doing that. You practically put the words in the mouth of the witness.

Q. After you were married, did you continue at Bethel? A. Yes.

Q. And did you have any conversations with Judge Rutherford as to your continuing at Bethel?

Mr. Bruchhausen: I object. It is not binding. I don't see how it has any relevancy here, what they talked about.
The Court: Objection sustained.

Q. Did you get permission from Judge Rutherford to remain at Bethel? A. I did.



The Court: Before or after you were married?
The Witness: Before.

Q. During the time that Mr. Moyle served as counselor up to July, 1939, did he ever express any complaint to you about the conditions at Bethel? A. No, sir.

Q. I show you what appears to be a letter dated July 21, 1939, addressed to Judge Rutherford, signed by Mr. Moyle (handing paper to witness).

The Court: You know that letter?
The Witness: Yes, sir.

Q. When was it that you first saw that, Mrs. Heath? A. Judge Rutherford called my husband and me in the office on the day he received the letter, and showed it to us.

Q. Did you read it over on that occasion? A. He permitted us, yes.

Q. Was it shown to anybody else, within your knowledge? A. No, sir.

The Court: You mean not that you know of?
The Witness: I know that he did not.

Q. When you read that over, what was your reaction? A. I thought it was the worst, most vicious attack I have ever known anybody to make on any one else.

Mr. Bruchhausen: I object to what she thought.
The Court: Objection sustained.
Mr. Bruchhausen: I move to strike out the answer.

Q. Did you know the contents of this letter to be false? A. Absolutely.

Q. Have you ever heard Judge Rutherford at any time administer what Mr. Moyle called "a tongue lashing" and "trimming"? A. No, sir.

Q. Have you ever heard him publicly deny his brethren freedom of speech and act the part of a "boss" and "dictator"? A. No, indeed.

Q. Have you ever heard him give his brethren a public denunciation at the table? A. No, sir.

Q. Could you give us the instances of some of the other brethren who have lived at Bethel who have become married, if you know? A. Yes, there have been many that married that came to Bethel.

Q. And remained there? A. And remained.

Q. Can you name a few?

Mr. Bruchhausen: I object to the question and move to strike out the answer.

The Court: Objection sustained. Motion granted. Exception to the defendant.

Q. Would you please name the persons who have resided at Bethel who have gotten married and received permission from the President to remain there? A. Yes, there was Mr. and Mrs. Schmidt.

Q. What year was that? A. That was in 1938, I believe. And Mr. and Mrs. Howlett. Mr. and Mrs. Wise. Mr. and Mrs. Low.

The Court: Can you state the name of any girl that was permitted to remain after having been married?



The Witness: Mrs. Twarochk, the girl that was in our office, married.

Q. And she was permitted to remain? A. Yes.

Q. Have you ever heard any filthy, dirty, smutty jokes and talk passed around the Bethel table? A. No, indeed.

Q. Was it a custom to glorify the use of alcohol at the Bethel table? A. No, sir.

Q. Now, you recall the occasion of the Madison Square Garden conference, do you not? A. Yes.

Q. When the Coughlinites invaded and attempted to break up the meeting, you were there, weren't you? A. Yes.

Q. Did you hear the disturbance? A. I did.

Q. Where were you seated? A. On the speakers' platform.

Q. When the disturbance occurred, after it was quelled, did you see Mr. Moyle after that? A. Yes.

Q. When you learned that your husband had been arrested, did you convey that information to Mr. Moyle?, A. I did.

Q. And did you and Mr. Moyle—

The Court: Please. Have her tell the story.

Q. Just tell what you did, from the time you learned your husband was arrested, until he was released that night. A. I went to Judge Rutherford after the meeting and told him that Bill had been arrested. He asked to get Mr. Moyle and that Mr. Moyle and I should go and see if we could find out where he was. So Mr. Moyle and myself went to different places, until we finally



went up at the police station, I believe it is called, where the opposite parties were making charges against Mr. Heath. Then I asked Mr. Moyle if he was not going to make countercharges, and he told me to keep quiet and not make a scene in court.

Q. That was at the police station? A. At the police station, yes. He never did make charges. When Judge Rutherford came in the door, he went out.

Q. Did you see Mr. Moyle later on? A. Yes. I saw him at home, at the office.

Q. What else did you do that day? A. Well, when we got home, Mr. Moyle and I was in Judge Rutherford's office speaking about the case. And he told them that we would need bail and that he would like to get them bailed out that night. Of course, it was late. So Mr. Moyle acted reluctant to take so much bail money on his person at night, so I offered to do that, as my husband was involved.

We then went over to, I believe it was the 54th Precinct, at the First Court or the First Police Station. I had never been in a police station before, so I really don't know.

The Court: Madam, you weren't asked to tell anything except what the conversation was. We are not concerned where you were before.

Q. Tell what you did at the station. A. The time was passing, the time for the court at nine o'clock, and so we went back and forth from one police station to another, to find out where Mr.



Heath was, and where to pay the bail. So I finally had to ask the judge in the Magistrate's Court where it was the proper thing to pay the bail, so they could get out, which I did. Mr. Moyle stood by me, but he didn't do anything about it. I paid the bail and got the receipt.

Q. Later on that night your husband was released? A. Yes. We finally, at a little after eleven, went back to Center Street, and there Mr. Moyle left me. I don't know where he went. I had to go back alone from Center Street to the 54th or the Night Court, where my husband's father came in with the release for my husband. So he was released just before midnight.

Q. And were the other boys released, too? A. Yes, sir.

Q. I beg your pardon? A. Yes, they were released.

Q. When was it that you next saw Mr. Moyle after that night? A. I believe at Bethel.

Q. Do you recall the occasion of the hearing on July 11th? A. Yes, I do.

Q. Were you there the entire time? A. I was.

Q. From the time the case started? A. Yes, sir.

Q. Were you present at any time that Mr. Moyle had a conversation with Mr. Quackenbush? A. Yes, I was.

Q. Did you see a man by the name of McDonald? A. Yes, sir, I did.

Q. Had you seen Mr. McDonald before? A. Yes, I saw him, both at the Night Court and the Police Station.

Q. On that occasion of July 11, 1939, what, if anything, did Mr. Quackenbush say to Mr. Moyle,



if you know? A. He came up to Mr. Moyle and said, "Mr. Moyle, I know now that that was the man I put out of the Garden. That's the man, Mr. McDonald.

Q. During that day, did you have any conversation with Mr. Moyle with reference to what Judge Rutherford wanted done in the case? A. Yes. I told him that he did not obey instructions and that I heard Judge Rutherford tell him not to put my husband on the witness stand first; and that is just the thing he did. I even sent him up a note and asked him why.

Q. Did he answer the note? A. No, he ignored them.

Q. After the hearing was over, did you report the matter to Judge Rutherford? A. I did.

Q. Did you go with your husband to visit the office of Judge Rutherford? A. Yes, sir.

Q. What, if anything, did you report to Judge Rutherford, and when? A. I reported it to Judge Rutherford, that Mr. Moyle had not followed any instructions that I heard him give to him, that he had put my husband on the witness stand first, and that he did not put Mr. McDonald on the witness stand, as he had been instructed to do.

Q. Were you present at any of the conferences after that? If you weren't, all right; but, if you were, I would like to know about them, any conferences at which Mr. Heath and Mr. Moyle were together with Judge Rutherford. A. I don't believe I was present at any of the conferences.

Q. At any of the conferences? A. No, sir.

Q. Were you present at the meeting of the



Board of Directors on August 8, 1939? A. No, sir.

Q. Were you present at the meeting of the Board members on September 21, 1939? A. No, sir, I was not.

Q. Did you see Mr. Moyle during the hearing of July 11th have any conversation with Mr. McDonald? A. Yes, sir, I did; several times.

Q. And would you tell what you noticed or observed with your own eyes between Mr. Moyle and Mr. McDonald on that occasion?

Mr. Bruchhausen; I object to the form of the question.

The Court: It assumes that she did notice something. Objection sustained.

Q. Did you notice anything with reference to the conduct of Mr. Moyle with Mr. McDonald? A. Yes. He was unduly familiar with Mr. McDonald before the trial.

Q. Did you see him close to Mr. McDonald? A. Yes, he was talking to him most of the time; and, as has been stated, he patted him on the back, he put his arm around him and patted him on the back.

Q. Did he appear to be very friendly? A. Yes, he did.

Q. Did you report that matter to Judge Rutherford? A. I certainly did.

Q. The article entitled "Snares" was dictated to you, was it not? A. Yes, it was.

Q. What was the custom in the office with reference to Watch Tower articles that had been dictated? A. It was dictated by Judge Rutherford, and never discussed with anyone.

Q. And, when dictated and when you had fin-

ished transcribing them, what was done with the articles thus prepared? A. The article was put back on Judge Rutherford's desk, completed.

Q. What was the custom of handling such Watch Tower articles with the office? A. The proof reader was sometimes called over and handed the article and it was taken to the office.

Mr. Covington: I think that is all.

*Cross-examination by Mr. Bruchhausen:*

Q. You went to Bethel in 1923, you say? A. I did.

Q. And where did you take up quarters when you first went to Bethel? A. At Bethel?

The Court: Where did you first have your quarters at Bethel?

A. I think my room was 121.

The Court: Is that on the first floor?

The Witness: It is.

Q. Was that in the present building? A. No, not the new building.

Q. What was the address of the old building? A. It is the same; 124.

Q. And when was the present building erected? A. Completed in 1927.

Q. And then where did you take up your quarters? A. On the seventh floor.

Q. And who was on the seventh floor, besides yourself and your mother, when you first took up residence there? A. Mr. and Mrs. Donald Haslet.

Q. How long did they remain there? A. They remained there until, I think, 1935.



Q. And then who occupied the quarters up there from 1935 to 1939? A. From then it was Mr. Keller, and then it was turned into a treatment room, that room that Mr. Haslet had.

Q. So only you, and your mother and Mr. Rutherford were up there during those four years? A. That is right.

Q. During that time that I have just referred to, Mr. Rutherford traveled considerably, didn't he? A. Yes, he did.

Q. Didn't he each year go to California, between around November and May of the following year? A. Yes.

Q. And you went along with him? A. Yes, sir.

Q. You and your mother? A. Yes; and others.

Q. Who were the others? A. Well, there was Mr. Keller, and Mrs. Peal and several others—Mr. Diderian, Mr. Howlett.

Q. When did Mrs. Peal first come to Bethel? A. 1938.

Q. She is the dietician that you referred to? A. Yes, and my personal friend.

Q. Where did she come from? A. Ohio.

Q. Had she been a dietician out there? A. Oh, yes.

Q. Working with whom? A. She wasn't working.

Q. How long before that had she been a dietician? A. I couldn't tell you, sir.

Q. Had you visited her out there? A. Yes.

Q. Mr. Rutherford, also? A. No, I don't think he knew of her before she came to Bethel.

Q. You introduced her to Mr. Rutherford? A. Well, I asked him if he would bring her there.



Q. Was she a Jehovah's Witness before she came over? A. Oh, yes, indeed.

Q. How long had she been a Jehovah's Witness? A. About twenty years.

Q. When did you first become acquainted with her? A. I became acquainted with her about ten years ago.

Q. Did she continue that dietician work from 1938 on? A. Yes.

Q. Did she supplement the efforts of Mr. Howlett, is that it? A. I think she assisted on it, yes.

Q. You also visited with Mr. Rutherford whenever he went up to Kingdom Farm, did you not? A. I did.

Q. You went abroad with him? A. Yes.

Q. By the way, what year was it that you went abroad? A. Every year since I came to Bethel.

Q. What period of the year did he go abroad? A. Usually in the summer time.

Q. For how long? A. Oh, two months sometimes; six weeks.

Q. Was that after he came back from California? A. Usually, yes.

Q. And during a period of how many years have you gone abroad with him? A. Twenty years.

Q. Who were in the party that went abroad in 1939? A. Myself and my husband and Mr. Knorr and Mrs. Peal.

Q. Did you say your husband came to Bethel shortly before your marriage? A. I believe he did, yes.

Q. How long before the marriage? A. He



went to Europe in 1937. He came to Bethel then.

Q. That was less than a year prior to your marriage? A. Yes.

Q. You knew that Mr. Rutherford discouraged marriage of anybody outside of the institution?

Mr. Covington: That is immaterial.

The Court: I will let her answer. The question is objectionable as to form. I will sustain the objection on that ground.

Q. You know that there was a rule on marriage, don't you? A. No.

Q. Did you ever hear of any rule that had anything to do with married people living at Bethel?

Mr. Covington: The rule itself is in evidence.

The Court: He may ask her. This is cross examination.

A. I don't know that Judge Rutherford ever objected to anyone getting married.

Mr. Bruchhausen: I move to strike it out.

The Court: Strike it out.

The Witness: I don't know of any rule to that effect.

The Court: You don't know of any rule?

A. No.

Q. You never heard of any rule then about a party having to live at Bethel five years before



marriage with anyone at Bethel? A. That is right.

The Court: You have heard of that rule?

The Witness: There is a rule to that effect.

Q. I think you said a minute ago that the Judge gave permission in your case, is that it? A. He did, yes.

Q. When did you ask for permission? A. Before we married.

Q. How long before? A. Well, I don't remember exactly, but it was before we married.

By the Court:

Q. Well, was it a short time or a long time? A. Short time.

Q. Days, weeks, months or what? A. I really don't remember.

By Mr. Bruchhausen:

Q. Did you leave Bethel and go out to Nevada for the marriage, directly? A. No. My mother and I went to California with Judge Rutherford, in his party.

The Court: You stopped off at Las Vegas?

The Witness: No.

The Court: You came back from California to Las Vegas?

The Witness: Yes.

Q. Did Mr. Rutherford go out there with you; did he go to Nevada? A. No.



Q. He was in California at the time, is that it? A. Yes.

Q. And then you joined Mr. Rutherford in California? A. I lived there, yes.

Q. And you have been living in California steadily, haven't you, for some time now? A. Since Judge Rutherford died, yes.

Q. And you have this separate house, separate and apart from the one that Mr. Rutherford had there? A. That is right.

Q. Before that house was erected, when you visited California, where did you stay? A. I lived at Beth Sarim, 4440 Braeburn Street.

Q. How large a house is that? A. Four bedrooms, three baths, living room, dining room, kitchen.

Q. Who were the occupants of that house? A. Mr. and Mrs.—

Q. The secretarial staff? A. Yes.

Q. You have mentioned this proceeding in the Magistrate's Court, going around to get bail. Do you recall that you testified to that? A. No. I didn't testify about—

Q. It was a matter of posting bail to get your husband out on bail, wasn't it? A. Yes.

Q. Hadn't the Court fixed the amount of bail? A. I really don't know.

Q. Well, were you there on the day in June when he was arraigned after the Madison Square Garden proceeding? A. Yes.

Q. And don't you know that bail was fixed at that time? A. No, I don't, sir.

Q. Did you attend court at that time? A. I was there, yes.

Q. Didn't they tell you what the amount of

bail was? A. No, they didn't tell me. I didn't hear it.

Q. When did you ascertain what the amount of bail was? A. When I went to pay the bail to the—at the Night Court I believe it was.

Q. Was that where they fixed the amount of bail? A. That is what I understand. That is what the clerk told me. Mr. Moyle didn't handle it.

Q. Was that the same evening of this occurrence in Madison Square Garden? A. Yes, sir.

Q. So it was only— What time of the day was the speech given? A. I believe it was from three to four.

Q. So that it was only a few hours after that that you appeared in Night Court, is that it? A. Yes, it was—night court, I believe, was nine o'clock.

Q. And that is when they fixed the bail, was it not? A. I didn't hear them fix the bail, no, sir.

Q. Were you present there? A. Yes, some of the time.

Q. Did you look at the papers to see what was written on the papers? A. No. I have never been in court before, I don't know—

Q. I didn't ask you that.

Mr. Bruchhausen: I move to strike it out.

The Court: Strike it out.

Q. You were very anxious to tell us the fact you have never been in court before, aren't you? Aren't you very anxious to tell us that you have never been in court before? A. No.



Mr. Covington: I object to it as argumentation.

The Court: Objection sustained.

Q. What I am asking you, Mrs. Heath, is whether you asked anybody to show you the papers, showing the amount of bail? A. No.

By the Court:

Q. You told us something about the large sum of money that Mr. Moyle was loathe to carry at night. A. Right.

Q. How did you know? What was the amount of money? A. It was $3,000.

Q. Who gave it to you? A. Judge Rutherford.

By Mr. Bruchhausen:

Q. Did Mr. Rutherford have this money right in the office there? A. Evidently. He left the office and came back with it.

Q. Got it in cash?

The Court: You don't know where he got it from?

The Witness: I really don't know.

The Court: But he gave it to you?

The Witness: Yes.

Q. What time of the night did you ask him for the $3,000? A. I didn't ask him for the $3,000.

Q. What time of the night did you get the $3,000? A. About eight o'clock.

Q. That is, the same night that this proceeding was in night court? A. Yes.

Q. How long after your appearance in night



court did you get the money from Mr. Rutherford? A. I got it before, before we went over there.

Q. You didn't know what amount you needed, is that right? A. I didn't know.

Q. Did you ask for $3,000? A. No.

Q. Did you ask for any amount of money? A. No, sir.

Q. What did you say: "I need some bail"? A. No. Mr. Moyle and Judge Rutherford were speaking about bailing the brethren out.

Q. And that was to cover the other defendants also, was it not? A. Why, I suppose so.

Q. You know there were three defendants? A. Yes.

Q. So you were handed the $3,000, is that it? A. Yes, sir.

Q. Mr. Rutherford didn't hand it to Mr. Moyle? A. Mr. Moyle refused it.

Q. Well, was it offered to Mr. Moyle? A. It was.

Q. Who was present on that occasion? A. Just Mr. Moyle and myself.

Q. And where? A. In Judge Rutherford's office.

Q. And this was about eight o'clock at night, you say? A. Yes.

Q. And you went from there to the night court, is that it? A. Yes.

Q. And who went to the night court? A. Mr. Moyle.

Q. And how did you go over? A. We went in a taxi.

Q. You weren't unfriendly with Mr. Moyle? A. No, indeed.



Q. And up to that time you never had anything arise that caused any dissatisfaction at all? A. He was exceedingly courteous to me.

Q. In all your time there—and you were communicating, going back and forth and hearing conversations between Mr. Rutherford and Mr. Moyle—there had never been any criticisms of Mr. Moyle? A. No, sir.

Q. So then, when you went over to night court, the defendants were arraigned, is that it? A. Well, I don't know what you mean.

Q. Were they lined up in front of the judge? A. No. My husband wasn't there.

Q. Were the others there? A. I don't know. I didn't see them.

Q. Did you see them at any time that evening? A. Well, when Mr. Moyle and I came back from Center Street, during one of those trips that we were back there, I believe I saw Mr. Calangelo.

Q. Wasn't the time of that caused by having them booked in the police station before taking them to night court? A. I don't understand your question.

Q. Well, you spoke of some length of time that had elapsed running back and forth from the police station to the court or vice versa. You did mention something about that, didn't you? A. Yes.

Q. Wasn't some of the time taken up by the fact that the defendants were taken to the police station first? A. Shall I tell you how—

The Court: No.

The Witness: I don't know why he—

The Court: Then say "I don't know."

The Witness: I don't know.



Q. Do you know whether they were taken to the police station? A. Yes, they were taken to the police station.

Q. And they were taken to the police station after the Magistrate's Court hearing? A. That is right.

Q. Do you know what time they arrived in the police station? A. No, I don't.

Q. Were they there when you arrived there? A. Yes.

Q. And that was when you had come back from the night court, is that it? A. No, that was right after the meeting, 5:30.

Q. You left there and you went back and saw Mr. Rutherford and got this money for bail? A. At eight o'clock that night.

Q. What time did you leave the police station in the afternoon? A. Must have been about 5:30.

Q. And then you went directly back to Mr. Rutherford's office? A. To Bethel, yes, sir.

Q. And you left there around eight o'clock. A. Yes, sir.

Q. And you went to night court? A. No, we went to Madison Square Garden first.

Q. And then where did you go? A. Then we went to the night court.

Q. Well, you were going around these different places to find out where the boys were, weren't you? A. That is right.

Q. And Mr. Moyle went with you? A. Yes.

Q. He didn't refuse to go with you, did he? A. No.

Q. You don't complain about that? A. No.

Q. He went with you to the police station? A. That is right.



Q. And then did you find them at the police station? A. No, we didn't.

Q. Then where did you go? A. We went from the police station to Center Street.

Q. Well, what police station is this that you refer to? I know there is one on Center Street. Let us not get mixed up in the police stations. A. It was the one close to Madison Square Garden. I think it is 54th Street.

The Court: You have it right.

Q. So then you went to Headquarters on Center Street, on this last occasion, is that right? A. We went to Center Street.

Q. And then what did you find there? A. Well, they couldn't tell us any more, and the Magistrate there asked Mr. Moyle if he had ever tried a case in New York before, that he didn't seem to know what he was doing, that it was unnecessary to go back and forth so much. At least three told me that.

Q. You didn't tell us that before, did you? A. I don't think so.

Q. When did that come to your mind? A. I don't understand you, sir.

Q. When did the statement you just made come to your mind?

Mr. Covington: That is immaterial. He called for the answer.

The Court: Well, I object to your statement what he called for. It is immaterial, but please make no statements, outside of the objection.

Q. When did this statement you have just made—

Mr. Covington: That is the same objection.

The Court: Sustained.

Q. When did you last mention to anyone this statement made by the Magistrate that you have just referred to here? A. I didn't tell—except in my statement, maybe, to Judge Rutherford four years ago.

Q. And have you looked at the statement made four years ago—recently? You haven't read it over in four years? A. No. I think Mr. Moyle has that.

The Court: He didn't ask you that. He asked you if you had read it over.

The Witness: No.

Q. Have you refreshed your recollection from any document of any kind? A. No.

Q. Have you talked to anybody about this case? A. Yes.

Q. Have you talked to Mr. Covington? A. Yes, I did.

Q. And at some length, have you not? A. Yes.

Q. How long have you been on here from California? A. About two weeks.

Q. In fact, you have sat in court every day of the trial, have you not? A. No, sir.

Q. Well, you have, on a number of occasions? A. Yes.

Q. After you saw this Magistrate, what did you do? A. Which one?

Q. The last magistrate you mentioned. I don't know who it was. You know. You saw him. A. At Centre Street, I saw the Magistrate there.

Q. That is the one that I am referring to, the



last one that you saw. A. When did I see him, did you say?

Q. What did you do after you saw him? A. Oh, I got a taxi and went back to the night court.

Q. Did Mr. Moyle go with you? A. Not that last time, no, sir.

Q. Did you ask him to go with you? A. He was gone.

Q. You mean that he left you without saying anything at all? A. He certainly did.

Q. But you had the $3,000? A. I did.

Q. And then you got up to night court, is that it? A. I am sorry. He was with me. I didn't have the $3,000 with me the last time. I was at Centre Street. No, we had already paid that in. Mr. Moyle was with me at that time.

Q. At what time of the night did you get rid of the $3,000? A. It must have been about ten o'clock.

Q. And was Mr. Moyle with you when you deposited the $3,000? A. Yes, he was.

Q. So the bail was put up, wasn't it? A. Oh, yes.

Q. And it was posted where, at the police station? A. At the night court.

Q. And then all that remained to be done was to get the release papers through? A. That is right.

Q. And that is what caused the delay; you posted the bail at ten o'clock at night? A. I suppose that is it.

Q. And it took some time between then and what, midnight, to get the releases through? A. That is right.

Q. And that was a matter of getting the paper at the police station and sending it up to the



Warden of the City Prison, wasn't it? A. I don't know the procedure.

Q. You waited for the releases? A. No, I didn't get it.

Q. Who got it? A. My father-in-law.

Q. Was he with you on this occasion? A. No.

Q. Did he come afterwards, a little later on? A. Yes, sir.

Q. What time did he call for it? A. I don't know. He got back to night court at twelve o'clock, about two minutes before.

Q. Wasn't it a matter of having to have something signed by the Magistrate? A. I really couldn't tell you.

Q. He was sent up to the night court, wasn't he? A. I don't know who you mean.

Q. What time did the night court open that you know of that night? A. At nine o'clock.

Q. The next time you appeared in court was on what date? A. I believe there was a preliminary hearing about a week before the trial of July 11th.

Q. A hearing before July 11th? A. Yes, sir.

Q. Do you recall approximately how long before?

The Court: She said approximately a week.

Mr. Bruchhausen: I didn't get that. Pardon me.

Q. Did you attend that hearing? A. Yes, sir.

Q. And Mr. Moyle attended that hearing? A. Yes, sir.

Q. And that was the time when pleas of not guilty were put in? A. Yes.

Q. And up to that time there was no com-



plaint by you about Mr. Moyle, was there? A. No.

Q. Was that reported, as to what transpired at that hearing, to Mr. Rutherford? A. No.

Q. Right after this preliminary hearing you went right back to your office, didn't you? A. I believe I did.

Mr. Covington: Which hearing?

Mr. Bruchhausen: After the preliminary hearing, the first hearing which was held at the night court.

The Court: Approximately July 4th.

Q. You went right back and reported all the details to Mr. Rutherford? A. Yes.

Q. You did that on other occasions, did you not? A. Yes.

Q. In your capacity as private secretary, you would, as a custom, attend functions or matters where Mr. Rutherford couldn't go and would report all the details back to him; isn't that right? A. No.

Q. Didn't you on other occasions report back to him happenings where you attended in the place of Mr. Rutherford? A. Well, I didn't—If it was necessary and my office duties, yes.

The Court: Well, was it ever in your office duties to do that?

The Witness: Yes, I reported to Judge Rutherford the things that were necessary.

Q. So you made a report on this occasion? A. I did.

Q. Was that typewritten? A. No, verbal.

Q. After that, what happened? When was the



next time you did anything about that case or anything transpired in it that you knew of? A. Well, on July 11th.

The Court: Is that the next thing after July 4th?

The Witness: Yes, sir, so far as I remember.

The Court: That is all we are asking you, to tell us what you remember.

The Witness: On July 11th I noticed that Mr. Moyle was exceedingly familiar with the opposition.

Q. Do you recall a moment ago you said "Unduly familiar? A. I did.

Q. You are very anxious to emphasize that, aren't you? A. Not exactly, sir.

Q. You couldn't tell the jury and the Court that he was just "familiar"? A. No, I think he was unduly familiar.

Q. Well, you say that in the sense that you are familiar with court room procedure? A. I am quite familiar.

Q. Had you been in court rooms before that? A. Not very much.

Q. Had you ever had any experience with counsel talking to each other in court or in the hallways outside of court? A. I don't know.

Q. Do you know the canons of ethics between lawyers? Was it your conception that a lawyer for one side shouldn't talk to the other lawyer at all? A. No, sir.

Q. Your characterization here of "unduly familiar," does that come about through touching the other lawyer? A. No, but when he was an



enemy, and he knew it—Mr. Moyle knew that he was.

Q. So the distinction you make here is where there is an enemy, is that it? A. I think so, yes.

Q. Would that be so in any case, in your estimation, in a magistrate's court, between the complainant and defendant? A. I don't know.

Q. Well, is "enemy," in your judgment an accused person in a Magistrate's Court case? A. I don't know.

Q. Or is it that the enemy here happened to be a non-Jehovah's Witness? A. No, it wasn't.

Q. He wasn't a Jehovah's Witness, was he? A. Who?

Q. The socalled enemy in this Magistrate's Court case? A. Mr. McDonald? No, he is a Coughlinite.

Q. So he was non-Jehovah's Witness? A. That is right.

By the Court:

Q. How do you know he is a Coughlinite? A. It was investigated later.

Q. You don't know of your own knowledge? A. Yes, I do. I saw the papers.

Q. What papers? A. The papers showing that he was a Coughlinite.

Q. What papers? A. In the office.

Q. What papers? A. Pictures of his name in the Coughlinite hall in New York City.

Q. You mean your organization had it investigated and you saw what purported to be the papers? A. Yes.

Q. You are familiar with the expression "evil servant?" A. I am, sir.

Q. Did you classify Mr. McDonald as an evil servant? A. No, sir.

Q. Wasn't he an evil servant? A. No, sir.

Q. Was he a person of good will? A. No, sir.

Q. What category did he come in so far as Jehovah's Witnesses were concerned? A. Just an outsider.

Q. And you never heard the term "evil servant" used in connection with the people that disturbed Madison Square Garden on that occasion? A. No.

Q. Just tell us how Mr. Moyle touched Mr. McDonald, as you have referred to? Just describe that. A. Well, he was talking with him for quite a while before the Court—we were there half an hour.

Q. Pardon me, in what part of the court room did this take place? A. It was just down in front of the judge, where he was standing.

Q. Was it right before the Bar? A. No, it was over a little.

The Court: To the left of the Bar?

The Witness: I think it was to the left of the Judge, yes.

Q. How far away were they from the Judge? A. Oh, I guess where the jury sits.

Q. Well, was the Judge doing some talking, too? A. No, sir. That was before the Court—opened.

Q. The Judge wasn't on the Bench? A. No, sir.

Q. Were they standing up or sitting down? A. They were standing up.



Q. And how many were in the group? A. Oh, the room was filled.

The Court: In their group, he is talking about. McDonald, Moyle, and anybody else?

The Witness: Well, yes, there were other lawyers.

The Court: Other lawyers?

Q. Right in this group there were a number of lawyers, you say? A. I believe so, yes.

Q. How many people in the group altogether? A. I guess ten or twelve.

Q. Do you know who they were? A. No, I don't know all of them.

Q. Well, were the three defendants there? A. Yes, sir.

Q. Was the complainant there? A. Yes, sir.

Q. Mr. Wheless there? A. Yes.

Q. Mr. McDonald? A. Yes, sir.

Q. The District Attorney? A. Yes, as far as I know.

Q. And who else? A. I don't know anyone else there.

Q. How far away were you from this group? A. I was sitting in the front row.

Q. How far away were you from Mr. Moyle? A. Well, Mr. Moyle was standing with Mr. McDonald. The court room is very similar to this one.

Q. Was Mr. Wheless right nearby, too? A. Yes, I believe he was.

Q. Was he engaging in the conversation also? A. I didn't see him, no.

Q. He was right nearby, within hearing distance of Mr. McDonald and Mr. Moyle? A. It could have been hearing distance, yes.



Q. And the others were in hearing distance of Mr. McDonald and Mr. Moyle? A. Yes.

Q. And you say you were about how many feet away from Mr. McDonald and Mr. Moyle? A. I was sitting in the front row:

By the Court:

Q. Show us something. A. Just about like this court room is.

Q. Show us some distance. A. I was sitting in the front row.

Q. From where you are sitting now, how far away were they? A. I was sitting just like in the front row (indicating).

Q. I am asking you, from where you are sitting, point out something that will tell us how far away from the group you were? A. Well, where Mr. Bruchhausen is standing.

By Mr. Bruchhausen:

Q. Could you hear what was said? A. No, I couldn't.

Q. Did you ask Mr. Moyle what was said? A. No, sir.

Q. Did you ask anyone who was in that group what was said? A. No, sir.

Q. So that you formed your conclusion from just seeing them together and laughing, is that it? A. No, I didn't.

Q. Well, did you see anything else in that court room on this occasion you are testifying about, other than their standing around talking and somebody touching another person? A. Yes, I did.



Q. What else? A. During the trial.

Q. I am speaking about this time when you say they were talking there. A. No, sir.

Q. And did you, after you saw this incident say anything to anyone about it? A. No, not at that time.

Q. And then you stayed there all morning at the trial? A. I did.

Q. With that in mind you didn't come to the conclusion at that time that he was "unduly familiar" with Mr. McDonald? A. I did, yes.

Q. That's the time when you formed the opinion that he was doing something improper? A. Yes, sir.

Q. Just by talking with Mr. McDonald, is that it? A. No.

The Court: And patting him on the back?

Q. And patting him on the shoulder? A. No, that is not all.

Q. What else, up to that time, made you feel he was "unduly familiar"? A. Mr. Moyle saw that Mr. McDonald in both courts acting as against us and against my husband, and he knew it, and he was appearing for my husband as against him; and, yet, he was familiar with him, unduly so, sir.

Q. Your "unduly" is that he was talking to him, is that it? A. He was familiar with him, like he had been a life-long friend.

Q. And you believed that lawyers shouldn't talk to each other in court, is that it? A. No, I wouldn't say that.

Q. What do you mean, that they shouldn't pat each other? A. No. I mean that when a man—



Q. Or can't crack a joke at all? A. When a man has a confidential relationship with an organization and a real friend, and he goes against them, for the enemy, that, to my mind, is certainly unduly familiar.

Q. So you came to the conclusion, just sitting in the front row of a courtroom and seeing this group standing around together, waiting for the judge to come in, that that meant he was unduly familiar with the enemy, is that it? A. No.

Q. Didn't you come to your conclusion, sitting on a chair in the courtroom, watching this group, that that was the result in your mind? A. Yes.

Q. And you gauged it on what you told us you saw from this seat in the courtroom? A. Yes.

The Court: And your husband was in that crowd?

The Witness: Yes, sir.

Q. You say that you saw some other things happening in that courtroom? A. I did.

Q. Is that the occasion when you sent a note up to Mr. Moyle? A. Yes.

Q. And you asked him why he didn't put your husband on the stand? A. Yes, sir.

Q. Where did you get instructions, or listen to any instructions, as to who should be put on the witness-stand or who shouldn't? A. When Mr. Moyle was in the office with Judge Rutherford.

The Court: Were you there?

The Witness: I was.

Q. How long before this hearing? A. Just before the hearing.

Q. How long before? A. I think it might have been the day before.



Q. And was Mr. Wheless there? A. Yes.

Q. And Mr. Rutherford was giving instructions as to how to try the case, is that it? A. Yes.

Q. He told him exactly what to do and who to put on the witness-stand and who not to? A. Gave him suggestions, yes.

Q. And told him what questions to ask and all that sort of thing? A. Yes, sir.

Q. How long did that last? A. All morning.

Q. Did you ever hear that Mr. Rutherford wanted Quackenbush to change his statement? A. No, sir.

Q. Did you sit in on all these legal discussions? A. Some of them.

Q. You sat in on all of them pertaining to this case, arising out of Madison Square Garden? A. Not all of them.

Q. Did you sit in on other discussions of court cases, involving Jehovah's Witnesses throughout the country? A. No, not all of them.

Q. But you would write out a great deal of the stenographic work on that? A. Yes.

Q. And you were somewhat familiar with the things that were going on in the different places? A. Somewhat.

Q. When did you tell Mr. Moyle that Mr. Rutherford's instructions weren't followed? A. When we were at the hearing, the preliminary hearing.

Q. And at what part of the trial did you tell him that? A. When he put Mr. Heath on first.

By the Court:

Q. You called up Mr. Rutherford and told him that? A. I sent Mr. Moyle a note.

Q. He wants to know when you told Mr. Rutherford? A. Oh, yes. Yes, I called him at noon.

By Mr. Bruchhausen:

Q. You did call and telephone? You were reporting to Mr. Rutherford all during this trial, weren't you? A. No, not all during.

The Court: How many times did you phone?

The Witness: Once.

Q. You told him about sitting in the courtroom, seeing this group standing around, and that sort of thing? A. No, I didn't.

Q. Did you ever tell Mr. Rutherford about that? A. Yes.

Q. When? A. After the trial.

Q. But you reported to him as to what transpired in the courtroom, to some extent, when you called up at noontime? A. I called up and I said, "Pappy, there is something wrong. They put Bill on the stand first." And he asked me why that was and I said, "I don't know, but that is what happened."

Q. Do you know who was examining the witnesses when Mr. Heath got on the stand? A. Mr. Moyle and Mr. Wheless were both examining the witnesses.

Q. Were they both examining him at the same time? A. They were standing side by side.

By the Court:

Q. Who was asking the questions? A. Sometimes Mr. Wheless and sometimes Mr. Moyle.

Q. Of the same witness? A. Yes, sir.



Q. Who called your husband, said, "Take the stand," the way Mr. Covington told you to take the stand? A. I think—I really don't know.

Q. You don't remember? A. No.

By Mr. Bruchhausen:

Q. Most of the evening meals were eaten up on the seventh floor, weren't they? A. Oh, no.

Q. Well, a great many of them were? A. Some of them were, yes.

Q. And you had occasion to dine up on the seventh floor also? A. Oh, yes; always.

Mr. Bruchhausen: No further questions.

Mr. Covington: Just one or two questions.

The Court: Take your time.

*Redirect examination by Mr. Covington:*

Q. Why did Mr. Moyle— Did Mr. Moyle state any reasons why he refused to take the bail money that night? A. Well, he said that he really didn't feel like taking that much money on the street at night, especially after the Coughlinites' meeting.

Q. That money was all used to release the brethren from jail, was it not? A. Yes.

Q. Now, Mr. Moyle knew, or at least had been advised, that Mr. McDonald was one of the invaders of the Garden, had he not? A. Yes.

Mr. Bruchhausen: I object to the question as leading, and it has already been answered.

The Court: Objection sustained.



Q. Were there others at Beth Sarim, outside of the secretarial staff? A. Oh, yes.

Q. That lived there the year around? A. Yes, sir.

Mr. Covington: That is all. Just one minute. That is all.

The Court: Anything else?

Mr. Bruchhausen: No further questions.

The Court: Step down.

(Witness excused.)

The Court: Is the next witness your last witness?

Mr. Covington: No, your Honor, there are three more.

The Court: If you have a short witness, bring him up.

Mr. Covington: It will be about twenty or thirty minutes, I guess.

The Court: Well, I guess you both are tired. We will adjourn now until nine-thirty tomorrow morning.

Please don't discuss the case.

(Whereupon, an adjournment was taken until Tuesday, May 25, 1943, at 9:30 o'clock a. m.)



Brooklyn, N. Y., May 25, 1943, 9:30 a.m.

(Trial Resumed.)

Mr. Covington: Olin R. Moyle.

OLIN R. MOYLE, recalled.

*Direct examination by Mr. Covington:*

Q. Mr. Moyle, I show you an article appearing in "Fact Digest" concerning Jehovah's Witnesses of June, 1939, and ask you if you are the author of that article (handing to witness). A. I am.

Mr. Covington: We offer it in evidence.

The Court: Did you say June, 1939?

Mr. Covington: Yes, your Honor. That is all for this witness.

Mr. Bruchhausen: No objection.

(The article referred to was received in evidence and marked Defendants' Exhibit D-33.)

The Court: Any questions, Mr. Bruchhausen?

Mr. Bruchhausen: Yes, your Honor.

*Cross-examination by Mr. Bruchhausen:*

Q. How long before June, 1939 was that article written? A. I cannot recall exactly. It was some weeks.

Q. And at whose request? A. At the request of Mr. Knorr.

Q. He was the Vice President of the Corporation? A. Yes.



Q. And did he give you some idea of what the nature of the article was that he wanted? A. I was told it was to be an article explanatory of Jehovah's Witnesses.

Q. And you had been requested at other times to write articles, is that correct? A. Yes.

Q. Along the lines that would be indicated by those in authority? A. Yes.

Q. You did not write articles of your own volition and put them in the journals, did you? A. Not to my recollection, no.

Q. It was always at the request of one of the officials of the Watch Tower corporations? A. In general, yes.

Q. That is, you had no supervision or control over what should be or should not be printed in those publications? A. That is right.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

The Court: Do you want to read the article? We have kept up to date with the exhibits, so if you want to read it, you can go ahead.

Mr. Covington: I have two or three exhibits that I have not read. I think it would be better to read them all at one time.

The Court: Whatever you want to do.

Mr. Covington: A. R. Goux.

Mr. Goux (addressing the Court): Sir, let me warn you that under the counsel written by Jesus Christ, I do not swear—



The Court: What is it you want to do, do you want to affirm rather than swear?

Mr. Goux: Yes, sir.

The Court: We would be delighted to have you affirm.

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ARTHUR R. GOUX, 124 Columbia Heights, Brooklyn, New York, one of the defendants, called as a witness on behalf of the defendants, after affirming to tell the truth, testified as follows:

The Court: In order that the jury may understand, the witness is thoroughly within his rights by asking to affirm rather than swear. That is his legal right, and the jury should draw no inference from that.

*Direct examination by Mr. Covington:*

Q. How long have you been one of Jehovah's Witnesses? A. Since 1911.

Q. And how long have you been a member of the Bethel Family? A. Since 1913.

Q. How long have you known Joseph F. Rutherford? A. Over thirty-five years.

Q. In what capacity did you serve with Joseph F. Rutherford after coming to Bethel? A. As his secretary.

Q. Before serving as secretary to Joseph F. Rutherford, did you serve as secretary to anyone else? A. I did secretarial work for Charles Russell also, who was then president.

Q. And how long did you continue to serve as

secretary under Joseph F. Rutherford? A. From 1918 until 1925, as private secretary, and have also performed secretarial work up to the time of his passing away in 1942.

Q. What branch of the Society are you now connected with? A. The headquarters staff at Bethel.

Q. Are you connected with the legal desk there? A. I am.

Q. Were you so connected during the years 1935 to 1939. A. I was.

Q. During that time, did you know the plaintiff, O. R. Moyle? A. I did.

Q. During that time did you have occasion to work with him at the legal desk? A. Yes.

By the Court:

Q. Are you a lawyer, sir? A. I am not a member of the Bar.

Q. Have you studied law? A. I have.

By Mr. Covington:

Q. During the time that you have been resident at Bethel and have been associated with Joseph F. Rutherford, did you have occasion to observe his habits and his manner of treatment of his brethren at Bethel? A. Very closely.

Q. Can you state whether or not he assumed the attitude of an arbitrary dictator and boss over the family at the table? A. He did not.

Q. Did you find him to be amenable to suggestions while you have been associated with him? A. Very much so.

Q. Has he ever accepted suggestions made by you without interference or without condemning you? A. Many suggestions.



Q. During what course of time? A. During all the time that I have been associated with him in the work both as secretary and since 1925 after leaving his office to perform other assigned duties with respect to radio broadcasting and things that developed later.

Q. Did you attend the Board of Directors' meeting on August 8, 1939? A. I did.

Q. And did you hear the letter read on that date? A. I did.

Q. Did you hear the other discussions that the others had at that time? A. Yes.

Q. Did you hear any statements made by Mr. Moyle or Judge Rutherford? A. By both.

Q. In reference to the letter, when you heard it read, and you have since read it several times, have you not? A. I have.

Q. Have you ever at any time noticed Judge Rutherford administer to his brethren a shocking and denunciating trimming at the table? A. No.

Q. Did he ever give anyone a tongue lashing? A. No.

Q. Did he ever hold his brethren up to public denunciation in an intolerant manner at the table? A. No.

Q. Did he ever berate his brethren for exercising freedom of speech at the table? A. No.

Q. Did he play the part of a boss in scolding and unbraiding his brethren? A. No.

Q. Have you ever heard any dirty, filthy and smutty stories passed around the Bethel table? A. No.

Q. Was liquor glorified in the Bethel Home? A. No.

Q. Were you familiar with the quarters occupied by Judge Rutherford on the seventh floor? A. Yes.



Q. And you are familiar with the other quarters throughout the entire building, are you not? A. Yes.

Q. Would you tell whether or not Judge Rutherford discriminated against his brethren in favor of himself? A. He did not.

Q. I show you a letter dated July 21st signed by Mr. Moyle, addressed to Judge Rutherford, and I ask you when you heard that read on August 8th, if you voted on the resolution passed by the Board of Directors on that occasion (handing to witness). A. I did.

Q. Did you vote in favor of the resolution? A. Yes.

Q. Did you have any comments to make on that occasion yourself? A. I did.

Q. What, if anything, did you state in reference to the letter? A. One sentence: "It is false and entirely out of order, in my judgment."

Q. And did you hear the others make comments? A. I did.

Q. Mr. Moyle make comments? A. I did.

Q. You have heard the testimony of the others concerning what took place. Would your testimony be substantially the same as that? A. Yes, sir.

Q. You did not attend the meeting—

The Court (addressing Mr. Covington): Before you finish with that, I think this witness said that he heard Mr. Moyle make remarks.

Mr. Covington: Yes.

The Court: Perhaps you should ask



him, because my recollection is not clear, but I think the testimony here has been that Mr. Moyle was asked whether he had anything to say, and he said nothing.

Q. What, if anything, do you remember Mr. Moyle saying in reply to any statements made to him? A. He said "The letter speaks for itself." And then I also heard him state, in response to a question that was directed to him by Defendant Heath as to whether he was a Jesuit, "No, a thousand miles from it," or words to that effect. I didn't remember the precise language, but that was the substance of it.

Q. Did you attend the Bethel table at noon that day? A. Yes.

Q. Did you see the family take a vote on the contents of that letter? A. All within range of my sight.

Q. There are approximately how many people that sit in the dining room? A. About two hundred.

Q. You did not attend the meeting of September 21st that has been referred to, did you? A. No.

Q. You did, however, sign the article entitled "Information," did you not? A. Yes.

Q. Did you believe the contents of that article entitled "Information" to be true? A. Absolutely.

Q. Did you believe the contents of the letter of Mr. Moyle to be false? A. Yes, sir.

Q. Did you sign the article entitled "Information" as an expression of your honest opinion and belief? A. Yes.

Q. Did you consider that you were exercising



your comments as to the action with Mr. Moyle? A. I did.

Q. For what purpose did you sign the article entitled "Information"?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Mr. Covington: And this is along the same line:

By Mr. Covington:

Q. Did you have an interest and believe you had an interest in the contents of the article entitled "Information" to convey to the brethren, Jehovah's witnesses, in the field?

Mr. Bruchhausen: Objected to.

The Court: Will you please read that question?

(The question was repeated by the stenographer.)

The Court: You may answer that yes or no.

A. Yes.

Q. The Watch Tower Bible & Tract Society is the governing body of Jehovah's Witnesses, is it not? A. Yes. May I qualify that—

Q. It is the earthly—

Mr. Bruchhausen: Let him answer.

Mr. Covington: All right, you may answer.

The Court: Do you want to qualify that answer?

The Witness: Yes.

The Court: Go ahead.



The Witness: The Watch Tower Bible & Tract Society, a legal corporation in the State of New York, and the corporation of similar name in the State of Pennsylvania, are instrumentalities used by Jehovah's Witnesses who as a body constitute the Society, association, congregation, company or assembly, that proceed under the leadership of the appointed one of Jehovah God, namely, Christ Jesus, and all of these as a joint body throughout the earth use these corporations even as they use other corporations, for instance, the one in Great Britain and those in Australia and Canada, and so forth. And these corporations, the one that is named in the complaint, Watch Tower Bible & Tract Society in the United States, function in the same relation to the body under the leadership of Christ Jesus, all who have entered into a contract with the Almighty God, as do the other corporations in other lands. They are merely instrumentalities or vehicles that are used by those who are proceeding under the leadership of Christ Jesus as Jehovah's Witnesses.

Q. I have in my hands Defendants' Exhibit U, referring specifically to a letter dated September 5, 1939, addressed to J. R. Miller, signed by O. R. Moyle, and ask you if you ever saw that during the year 1939 (handing to witness). A. I did.

Q. And where did you see that letter? A. It was given to me at the office of the Watch Tower

Society at 117 Adams Street on its arrival from Colorado.

Q. And did you turn that over to Judge Rutherford? A. I gave it to him with a memorandum.

Q. What month was that, if you recall? A. In September.

Q. Was it before or after the September 21st meeting? A. It was about the same time. I wasn't at the meeting, and this came to my attention about that same time when I returned.

Q. Were you present at Madison Square Garden in June, 1939? A. Yes.

Q. Did you attend the preliminary hearing of July 11, 1939? A. Yes.

Q. Relative to the case of Mr. Heath and others? A. Yes.

Q. Did you see Mr. Moyle while handling that case? A. Yes.

Q. Did you see Mr. Wheeles while handling the case, both of them? A. Yes.

Q. You heard the testimony of the other witnesses with reference to Mr. Moyle's conduct at that meeting or that trial while in conference with Mr. McDonald. Would your testimony be substantially the same? A. Yes.

Q. There are letters in evidence signed by Mr. Moyle to Mr. Philbrick and Mr. Miller. Did you ever hear of those letters prior to September, 1939? A. Yes.

Q. Were you in Massachusetts and conferred with either one of these men during the month of September? A. May I ask for the preceding question?

The Court: Yes, read the last two questions.



(The stenographer read the first question as follows:)

"Q. There are letters in evidence signed by Mr. Moyle to Mr. Philbrick and Mr. Miller. Did you ever hear of those letters prior to September, 1939?"

The Witness: Not prior to September. During September.

The Court: And the next question.

(The stenographer read the next question as follows:)

"Q. Were you in Massachusetts and conferred with either one of these men during the month of September?"

The Witness: With both of them.

Q. Did you convey that information to Judge Rutherford? A. I did.

Q. And when was that? A. On my return.

Q. Was that on or about the time that you signed the article entitled "Information"? A. It was about the same day.

By the Court:

Q. What day did you sign the article "Information"? A. Approximately the 21st of September.

By Mr. Covington:

Q. You don't remember the exact date? A. I do not.

By the Court:

Q. Where did you sign it? A. In Bethel.



Q. Where? That is a seven-story building. What part of it? A. I do not recall distinctly.

By Mr. Covington:

Q. You had nothing to do with the writing of the article "Snares," did you? A. No.

The Court (addressing Mr. Covington): Your memorandum will tell you that.

(Addressing the witness:) The first time you read it was when it appeared in the "Watch Tower" in the November 15th issue?

The Witness: That is right.

Q. Did you see Mr. McDonald—you know the man that has been identified as a lawyer by the name of McDonald? A. Very well.

Q. Did you see him at the hearing on July 11th? A. I did.

Q. Had you seen him before that? A. Yes.

Q. Where? A. At the Night Court on Sunday evening, June 25, 1939.

Q. Did you see Mr. Moyle at any time during those appearances before the Magistrate's Court's on June 25, 1939? A. On that date I saw him at the Night Court on 54th Street, 18th Precinct.

Q. Was that the same place where Mr. McDonald appeared? A. He did.

Mr. Covington: That is all.

*Cross-examination by Mr. Bruchhausen:*

Q. How old were you when you first went to Bethel? A. I was born in 1897. I went to Bethel in 1913.



The Court: If my mathematics is as good as yours, that would make you sixteen, would it not?

Q. Had you gone to school before you went there? A. Yes.

Q. Whereabouts? A. In Illinois.

Q. A local school? A. Grammar school and business school.

Q. You say you became secretary to Mr. Rutherford? A. Yes.

Q. When? A. In 1918, January.

Q. Did he have any other secretaries at that time? A. Yes.

Q. And when did you begin the study of the law? A. Ever since associating with Judge Rutherford.

Q. Who instructed you in the law? A. He did.

Q. You got all your instruction from him? A. Some of it.

Q. Where did you get the rest of it? A. Since that time by personal study.

Q. You say you started in studying when? About when did you begin your study of the law. A. About that time that I was serving as secretary to Joseph Rutherford.

By the Court:

Q. You mean in 1916? A. In 1918.

By Mr. Bruchhausen:

Q. And you have been studying the law ever since? A. Right.

Q. In what way? A. As opportunity offers.

Q. Have you ever applied for admission to the Bar of the State of New York? A. No.



Q. And you have participated in all these years in the preparation of cases for trial, have you not? A. To a degree.

Q. And you largely had something to do with the preparation of this case for trial? A. As requested.

Q. And you went to different parts of the country in connection with that preparation? A. Yes.

Q. You went out to Massachusetts for the purpose of conferring with Mr. Philbrick and Mr. Miller, didn't you? A. Not in relation to this case.

Q. Did you take their statements? A. They voluntarily told me things concerning the actions of O. R. Moyle when I was there during a vacation in 1939.

Q. You heard my question, didn't you? Don't you know I asked you whether you took their statements? A. I heard them speak.

By the Court:

Q. Did you take any written statement? A. No.

By Mr. Bruchhausen:

Q. You went out there after you received the letters from Mr. Miller and Mr. Philbrick? A. No.

Q. When did you go there? A. I went there on a vacation trip in 1939, in September.

Q. What date in September? A. About the middle of the month.

Q. And these letters are dated when? Do you



recall the dates of the letters? A. Not specifically.

Q. Do you recall the dates of the letters? A. Not specifically.

Q. Well, generally, then? A. Generally during August and September.

By the Court:

Q. You are referring to two letters, one by Philbrick and one by Miller, is that right? A. Right.

By Mr. Bruchhausen:

Q. You say they came to your attention, those two letters, about September 19th, is it? A. They did not.

Q. When do you say they came to your attention? A. Some time after that.

Q. About when? A. Within one year after that.

Q. When did the letter of Mr. Philbrick first come to your attention? A. Within one year after I was there talking with him.

Q. What year did they come to your attention? A. Possibly the latter part of 1940.

Q. Then these letters were not before you when you signed the article "Information"? A. Not the letters themselves, but the material that is set forth in those letters was a matter of knowledge.

Mr. Bruchhausen: I move to strike out the answer.

The Court: Strike it out.

Q. The letters from Mr. Philbrick and Mr. Miller had not been brought to your attention at the

time you signed "Information"? A. That is right.

Q. And you had visited Mr. Miller and Mr. Philbrick prior to signing the article "Information"? A. Yes.

Q. And of course you did not go out to see Mr. Philbrick or Mr. Miller in Massachusetts in connection with the Moyle matter, did you? A. The memorandum that I sent to Judge Rutherford speaks for itself.

Q. I am asking you whether you did or not. I don't want your explanations. I am asking you whether you did or did not go to see Messrs. Philbrick and Miller in connection with the Moyle case. A. I went to see Mr. Miller in response to his invitation that I spend a brief period of vacation with him.

Q. So you did not go there on the Moyle case? A. Do you wish me to answer about the other?

Q. Can't you answer my question yes or no?

The Court: If you are studying law, you will please make responsive answers. If you don't understand the question, we will have it read to you. Will you read him the last question?

(The stenographer repeated the question referred to as follows:)

"Q. I am asking you whether you did or not. I don't want your explanations. I am asking you whether you did or did not go to see Messrs. Philbrick and Miller in connection with the Moyle case."

The Witness: Completing the answer, then—



The Court: Answer it.

The Witness (continuing): —as to Mr. Philbrick: I have already answered with respect to Mr. Miller, but as to Mr. Philbrick, I did go there with respect to information that had come to me relative to his attitude concerning the resignation of O. R. Moyle from Bethel.

By Mr. Bruchhausen:

Q. Whom did you visit first, Philbrick or Miller? A. Miller.

Q. So you went to see Miller on the Moyle case? A. Miller?

Q. Yes. A. No.

Q. Whom did you visit first? A. Miller.

Q. And did you or did you not go to see him in reference to the Moyle case? A. No.

Q. You went there for a social visit, is that it? A. Absolutely and only in that respect.

Q. And the date you visited him was when? A. I was there for about a week.

Q. When did you first see him? A. On arrival.

Q. Can't you give me a date? A. About the middle of September.

Q. Don't you understand what a date is?

By the Court:

Q. The middle of September what year? A. 1939.

By Mr. Bruchhausen:

Q. And by that time, when you had gone to see Mr. Miller, you knew that this letter had been written by Mr. Moyle, didn't you? A. Yes.

Q. Did you have a copy of it with you? A. No.



Q. And did you take a written statement from Mr. Miller? A. No.

Q. But he had already written the letter, had he not? A. I don't know.

Q. Did he tell you whether or not he had written a letter? A. No.

Q. How long did you talk to him? A. On that subject, possibly altogether less than one hour.

Q. And then you went over to see Mr. Philbrick? A. During the period of my stay at Miller's.

Q. And you asked him what he knew about Moyle, is that it? A. No.

Q. Was that a social call? A. It was a call in relation to the Johnson flag salute case that has been mentioned here.

Q. Did you or did you not discuss Mr. Moyle? A. When Mr. Philbrick introduced the subject, we talked about it.

Q. So Mr. Philbrick first mentioned it, is that right? A. That is right.

Q. And you knew all about the Moyle case and you were working in the legal department of the Watch Tower organization, and you did not mention the Moyle case at all until Mr. Philbrick mentioned it, is that right? A. That is true.

Q. And how long did you talk about the Moyle case with him? A. Less than one hour.

Q. And did you take a statement? A. No.

Q. Did you make a memorandum of the gist of the conversation? A. No, not at that time, but I made a memorandum—

By the Court:

Q. On your return to Bethel? A. Within a



few hours after I arrived at Bethel, and sent it to Joseph Rutherford.

By Mr. Bruchhausen:

Q. And did you visit anyone else in connection with the Moyle case while you were on vacation? A. Repeat that?

(The question was repeated by the stenographer.)

A. (Continued) No.

Q. After you returned from vacation, did you go out and visit anyone in connection with the Moyle case? A. No.

Q. So you have not visited anyone, any of these witnesses in various states on the Moyle case other than Miller and Philbrick, is that correct? A. That is exactly right.

Q. Did you correspond with them? A. No.

Q. But you knew all that was going on in the preparation of this case, did you not? A. To a degree.

Q. What degree? A. Whether that would be expressed in percentages or whatever way you wish to express the degree—

Q. Well, give me your answer. You are the witness.

By the Court:

Q. You were actively engaged in the preparation of the case—I suppose you object to the words "fully informed"? A. That is right. I knew some things that were being done, but by no means everything that was being done.



By Mr. Bruchhausen:

Q. How many are there in the legal department of the Watch Tower? A. Several hundred.

Q. All devoting their time to legal matters? A. That is right.

Q. And all devoting their time to the cases that the Watch Tower is interested in? A. That is right.

Q. How many floors does the legal department occupy? A. The floors at Brooklyn?

Q. At Brooklyn. A. 117 Adams Street?

Q. Yes. A. One floor, less than one floor.

Q. All these two hundred persons in the legal department—

The Court: Obviously he means throughout the country.

The Witness: That is right.

Q. How many in the legal department at Adams Street? A. Four, that is, exclusively in the legal department, but there are many other individuals that do work in conjunction with the legal department, that are members of the headquarters' staff.

Q. Did you in 1939 devote all your time to the legal department? A. Not all of it.

Q. How much of your time did you devote to the legal department? A. As to all the time of all days of each week, is that what you mean?

Q. Approximately how much time—

By the Court:

Q. What part of your working day do you devote to legal work or did you in 1939? A. Most of it.



By Mr. Bruchhausen:

Q. What did you devote the other part of your time to? A. Assisting the secretary, assisting with the matters pertaining to the radio, also duties in preaching in the field, and also in public at assemblies to which I was assigned.

Q. And what states did you preach in? A. Quite a number.

Q. About how many? A. I have never taken pains to count them.

Q. And when did you become a minister? A. 1911.

Q. What Divinity school did you go to? A. None.

By the Court:

Q. You became a minister when you were fourteen years old? A. I did.

By Mr. Bruchhausen:

Q. How many months did you pursue your studies to become a minister? A. From 1905 until that date, 1911.

Q. And where did you attend your instruction for the ministry, at what places? A. In Illinois at home.

Q. Did you receive your material from the Watch Tower? A. I did.

Q. Was that regularly every month or every week? A. Regularly.

Q. Is that a regular course where you get book No. 1 or book No. 2? A. There were publications furnished continuously, question booklets,

study classes that I attended in Chicago, and I studied at home with my father.

Q. Were these booklets numbered that came to you from the Watch Tower? A. Numbered?

Q. Yes.

The Court: What he wants to know is whether they have a first series of lessons and a second series of lessons.

The Witness: The first book called "The Divine Plan of the Ages" had a number on it. The second book also had a number on it, and up to the sixth book.

Q. Was there anything on it "How to Become a Minister in Six Months"? A. No, there is nothing to that effect.

Q. What date did you become a minister? A. In January, 1911, when I consecrated myself as one ready to serve Almighty God and perform His will.

Q. What date in January did that occur? A. January 29, 1911.

Q. Where? A. At Chicago.

Q. At what address in Chicago? A. I do not recall the street address. It was at the assembly that on that occasion had been gathered for the purpose of immersion of those who had shown thereby their consecration to do the will of God.

Q. Was that a special ceremony? A. It was.

Q. For you? A. And others.

Q. How many others? A. More than twenty-five others.

Q. And was anybody from Brooklyn there to carry on the ceremony? A. Not that I know of.



Q. In what way were you immersed? A. Just as Jesus was, in water backwards, fully submerged.

Q. With your clothes on? A. No, with a black robe on similar to that that is worn in courts.

Q. Was there a bathtub there? A. No, it was a regular baptismal font. The Chicago class, as it was then called, had engaged this Baptist Church not only on this occasion but on numerous preceding occasions for like purposes.

Q. You hired the Baptist Church for it? A. I did not hire it.

Q. Who hired it? A. The company of Jehovah's Witnesses at Chicago.

Q. Were there any Baptist present? A. I don't know.

Q. How many were present? A. Over five hundred.

Q. You mentioned that you were in the Night Court, did you not? A. I did.

Q. And Mr. McDonald was there, was he not? A. Yes.

Q. He was representing one of the parties involved in that Madison Square Garden fracas, wasn't he? A. At that time he was endeavoring to obtain a warrant for the arrest of Joseph F. Rutherford from the Magistrate that was presiding.

Q. Well, he was acting as attorney for somebody, wasn't he? A. I don't know whether he was at that time.

Q. Was Mr. Auffant in court then? A. I don't recall that he was there, but I saw his wife. He may have been there, though.

Q. You knew that Mr. Auffant was the client



of Mr. McDonald, did you not? A. Not at that time.

Q. But you later learned that he was? A. That is right.

Q. And that was the first time you saw Mr. McDonald, was it not? A. That night.

By the Court:

Q. Were you there assistng Mr. Moyle? A. Yes.

By Mr. Bruchhausen:

Q. And you also had talked to Mr. Rutherford about the case, had you not? A. Not up to that time.

By the Court:

Q. When you went back from Night Court, did you report to Mr. Rutherford? A. No.

Q. That day or the next day? A. The next day.

By Mr. Bruchhausen:

Q. Did you ever talk to Mr. Rutherford about cases? A. Yes.

Q. Wasn't it the custom to go over the cases with him in preparation? A. Yes.

Q. He was the main legal counsel of the organization, wasn't he? A. He supervised all legal matters during the entire period of his presidency.

Q. Well, he was the head of the legal department, wasn't he? A. To that degree.

Q. That he had full supervision over the legal matters? A. Yes.



Q. And then you were in the Magistrate's Court on July 11th, were you not? A. Right.

Q. And am I stating correctly that you say you testify the same as Mrs. Heath did? A. Substantially. I wasn't in possession of all the details that she expressed personally.

Q. Where were you sitting in the court-room? A. Near the front.

Q. Were you near Mrs. Heath? A. No.

Q. What were you doing over there? A. I had gone there at the request of O. R. Moyle that morning.

Q. You were assisting in the case, were you not? A. As far as necessary.

Q. Did you have any papers with you? A. No.

Q. Did you make any suggestions in the course of the hearing? A. No.

Q. Did you sit at the table when the hearing was going on? A. No.

Q. You did not say anything or make any suggestions at all? A. I don't recall that I did on that occasion.

Q. But you were there as an assistant to Mr. Moyle? A. That is right.

Q. And you were at perfect liberty to make any suggestions at any time? A. Partially.

Q. Well, as law assistant to Mr. Moyle, wasn't that your duty? A. Not particularly.

Q. What were you there for? A. Whatever he may have required of me, I was there to cooperate and comply.

Q. So you would not make any suggestions unless somebody asked you for them, is that it? A. No, that would not be right. That would not be correct—



The Court: Then let us have the correct answer.

The Witness: I would make them if it appeared proper to make them in relation to the matter that was being dealt with.

Q. You did not find it necessary to make any suggestions in the course of the trial? A. I wasn't near enough to see everything that was going on.

Q. Weren't you there for that purpose? A. Partially.

Q. What part? How much part of it were you there for legal work? A. According to the request of O. R. Moyle. Whatever he may have requested of me on that occasion, I would have complied with.

Q. So then it was not your function to make any suggestions at all? A. Not relating to the handling of the case.

Q. In relation to anything connected with the case? A. Well, possibly. Just to illustrate it, if I may—

Q. Illustrate it, yes. A. Suppose that some material was required from the Brooklyn office and someone had to go to get it. Mr. Moyle may have requested that I go to get such a paper or document, and for that purpose I was holding myself in readiness. In addition to that, I was holding myself in readiness for instructions from the President with respect to a letter that he had written and which he told me that morning was to be delivered by me to Mayor LaGuardia.

Q. You were a messenger, then? A. Partially.

Q. Part messenger and part law clerk, is that



it? A. Possibly that would be the accurate description of it.

Q. And had you ever been in court before that? A. Yes.

Q. How many times had you been in court up to that time? A. Many times.

Q. How many times? A. Over a hundred.

Q. In various courts, local courts and higher courts, had you not? A. That is right.

Q. Had you ever sat at the counsel table during those times? A. Yes.

Q. And had you worked on those cases and made suggestions about them in the course of preparing them? A. Yes.

Q. And when you got to court, you made suggestions also in the course of the trials? A. Whenever it was in order, I did.

Q. But you did not make any suggestions in this case? A. It wasn't my province to make any of the type that you indicate in specifying suggestions of a law clerk.

Q. You did not make any suggestions of any kind? A. I don't recall that I did.

Q. So you don't have to qualify that, do you? Can't you say that you did not make any suggestions?

Mr. Covington: Your Honor, this is going to far. It is immaterial.

The Court: If you have any objection—

Mr. Covington: That is my objection.

The Court: Objection overruled.

Q. You sat there in court how long? A. Possibly an hour or more.

Q. You sat there from the beginning of that

trial until the end, didn't you? A. I believe I did.

Q. Don't you know that? A. Not definitely, for the reason that the message came to me to carry this letter for Judge Rutherford to the Mayor.

Q. Did you or did you not see the Mayor in between? A. Repeat that, please.

The Court: Read it.

(The question was repeated by the stenographer.)

A. (Continued) Not in between. I left the court, and the rest of the day I was occupied in going to find the Mayor both at the City Hall, and subsequently located him—

The Court: All Mr. Bruchhausen is trying to find out is whether you left the court before the proceeding was over or whether you did not or whether you know about it.

The Witness: I am not able to say whether there was anything done after I left the courtroom in relation to this case.

Q. Do you know whether the case was finished when you left the courtroom? A. I did not know that at the time that I left.

By the Court:

Q. Were you there when Mr. Heath testified? A. Yes.

By Mr. Bruchhausen:

Q. Didn't they all walk out of the courtroom



when the case was finished? A. There was an intermission at noontime, and, as I recall, the entire group was expecting to go back after the intermission.

By the Court:

Q. What time was intermission? A. Sometime after 12 o'clock.

By Mr. Bruchhausen:

Q. Did you go back after intermission? A. No.

Q. How far away were you from Mr. Moyle in the courtroom? A. Within 20 feet.

Q. Will you tell us what Mr. Moyle did in respect to Mr. McDonald in the courtroom, as you saw it. A. He was standing very close to him at the time that the examination was under way.

By the Court:

Q. Let us go before the examination started. You heard the witnesses testify here? A. I would be saying a great deal by reason of the remarks that were made in amplification by the vision of others—

By Mr. Bruchhausen:

Q. Can't you tell us what you saw. A. As to the exact details that I saw—

Q. I want to know what you saw.

The Court: That is all we want to know.

A. Substantially as testified, that the attorneys were all together at the front, McDonald,



the Assistant District Attorney, and Wheeless and Moyle—

Q. How many were there in the group? A. You mean the whole building, the whole courtroom?

Q. In the group in which Mr. Moyle was? A. Those that I have named.

By the Court:

Q. Were the defendants there, Heath and the other two men? A. Part of the time they were standing and some of the time they were seated.

Q. We are talking about this group. Do you say it was to the left of the Bench where you are sitting now? A. It was right in front of the Bench.

Q. You have heard it described here. You have been sitting here every day since this trial started. Where do you say this group was? A. It was standing right at the Bar.

Q. What do you mean by "the Bar"? A. The rail in front of the Magistrate's table or desk.

Q. The Magistrate was not there, is that right? A. I am speaking about the time when he was on the Bench and hearing what was going on.

Q. Do you mean to say you have not understood that Mr. Bruchhausen wants to know about before the procedure started? I asked you that question a minute ago. There has been testimony here about a group of lawyers. McDonald was one of them. Moyle was one of them. Wheeless was one of them. And they were supposedly standing— It has been testified that they were standing to the left of the Bench, as I am sitting now. Do you remember any such



group as that? A. I don't say that I do. I would not be able to speak about anything that occured prior to the actual testimony. There was a very large number of people in the room.

By Mr. Bruchhausen:

Q. Did you see Mr. Moyle touch Mr. McDonald? A. I did not see him touch him.

Q. Did you hear them laugh in the courtroom? A. Often.

Q. How often? A. Several times.

Q. I am speaking of Mr. McDonald and Mr. Moyle. A. Several times.

By the Court:

Q. This was during the procedure? A. You mean the attorneys or the audience?

By Mr. Bruchhausen:

Q. I am talking about Mr. Moyle and Mr. McDonald. A. I noticed they were near each other during the examination.

By the Court:

Q. He asked you if they were laughing. A. Whether they were laughing out loud? They may have been smiling, looking at one another, exchanging glances.

Q. You say, "may have been." You know that that is not sufficient. If you don't know, tell us you don't know. A. I don't know.

By Mr. Bruchhausen:

Q. You have been sitting here in court ever since this case started, haven't you? A. Right.



Q. And you have heard every witness testify? A. Right.

Q. And you have heard the witnesses testify that somebody laughed at a joke that was cracked? A. Right.

Q. And you did not hear that or did not see that phase of the proceeding at all? A. Not that I can state distinctly that I remember that—

The Court: You have a perfect right to say you don't remember.

Q. You signed this article, "Information," which called Mr. Moyle a man-pleaser, didn't you? A. Right.

Q. And is what you saw in the courtroom that you just testified to the basis of your accusation of him being a man-pleaser? A. No.

Q. When did he ever act as a man-pleaser on any other occasion? A. On the occasion of July 17th.

Q. Where was that, in a courtroom? A. No.

Q. Where? A. In Brooklyn.

The Court: Where in Brooklyn?

Q. Where in Brooklyn? A. After the interview or an interview that Judge Rutherford had with those who were involved in the case arising out of the assault, attempted assault, upon four of Judge Rutherford's witnesses who had been subpoenaed to do certain work with reference to the case against four of those who had entered the Cardozo

Q. Will you read him that



(Question repeated as follows: "Q. When did he ever act as a man-pleaser on any other occasion.")

The Court: The first question is "When."

The Witness: July 17, 1939.

The Court: The next question is "Where?"

The Witness: In Brooklyn.

By Mr. Bruchhausen:

Q. In whose office did he become a man-pleaser? A. At Bethel.

By the Court:

Q. Where, in Bethel? A. In the presence of Judge Rutherford—

Q. Where? A. In the room below the lobby.

Q. And who was present? A. Grant Suiter, Lyle Rennels, O. R. Moyle, J. F. Rutherford, and I.

By Mr. Bruchhausen:

Q. And how long did this incident take? A. This interview?

Q. Yes. A. Less than an hour.

Q. And up to that time, up to July 17th, he was not a man-pleaser?

Mr. Covington: Your Honor, that is assuming a matter that he has not testified to.

The Court: Objection sustained. In your judgment, do you say that that is when you decided he was a man-pleaser?

The Witness: That is the point that I

had in mind in connection with the reasons that I signed—

The Court: Look, sir! Please answer questions. Will you read him the question.

(The stenographer repeated the question as follows: "Q. In your judgment, do you say that that is when you decided he was a man-pleaser?")

The Witness: Yes.

Q. So he was not a man-pleaser at the end of this Magistrate's Court proceeding, in your opinion? A. That is not my statement.

Q. Can you answer it yes or no? A. He was then also.

Q. He first became a man-pleaser in the Magistrate's Court and then he became it a second time at this interview of July 17th?

Mr. Covington: I object to that as argumentative.

The Court: Objection sustained.

Q. When did he become a murmurer? A. The date I cannot fix.

Q. Was he a murmurer on August 8th? A. He was.

Q. Was he a murmurer on July 21st? A. He was.

Q. And that is because he wrote a letter, isn't it? A. Because he wrote that letter.

Q. It is the type of letter that he wrote that makes him a murmurer? A. That letter, the expression that he made on that occasion indicated that which in the Scriptures is identified as murmuring.



Q. The type of letter made him a murmurer? A. That is right, the type of expression.

By the Court:

Q. The type of expression in the letter, is that what you mean? A. That is right, and the type of expression in any other form of utterance.

Q. Did he make any other utterance that you know of? A. He did, on August 8th.

The Court: We are talking of July 21st.

By Mr. Bruchhausen:

Q. On what date did he become a Judas? A. He acted as Judas after.

Q. On what date did he become a Judas, in your opinion? A. On that same date.

Q. July 21st? A. He indicated his position as one who was acting as Judas.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. On August 8th, you heard the statements made by those in the presence of O. R. Moyle about his conduct of the case, did you not? A. Yes.

The Court: Was this at the Board of Directors' meeting?

Mr. Covington: Yes, on August 8th.

Q. You heard that, did you not? A. Yes.

Q. When was the Moyle case brought, begun, if you remember, the case against the Society, this present action? A. October 1940.

Q. There was no case or action brought by



Moyle at the time you visited John Miller and Philbrick, was there? A. No.

Q. I show you Defendants' Exhibit U, and ask you to look at the various letters there and find the ones addressed to Philbrick and Miller, and see if you can identify the dates of the first one (handing to witness). A. The first letter in this exhibit addressed to H. L. Philbrick is dated August 28, 1939. There are others, however—

The Court: Will you read him the last question?

(The last question was repeated as follows:

"Q. I show you Defendants' Exhibit U, and ask you to look at the various letters there and find the ones addressed to Philbrick and Miller, and see if you can identify the dates of the first one (handing to witness).")

The Witness: By "first" do you mean—

Q. The earliest date.

The Court: He gave you an exhibit here. Read the question to him again.

(The question was again repeated by the reporter.)

The Witness: The dates of the first ones?

The Court: He handed you an exhibit—

The Witness: As to chronological order or as to relation in the exhibit?

The Court: Any way. Read all the dates in the exhibit.

Q. The dates of the various letters to Miller



and Philbrick. A. The first one in the exhibit addressed to H. L. Philbrick is dated August 28, 1939. The second one in the exhibit addressed to H. L. Philbrick is dated August 28, 1939. The third one in the exhibit addressed to H. L. Philbrick is dated July 28, 1939. The next one addressed to H. L. Philbrick is dated July 25, 1939. The next, August 15, 1939, also addressed to H. L. Philbrick. There is none addressed to Miller in this exhibit.

Q. Did Mr. Philbrick discuss with you the contents of these letters on the occasion that you visited him? A. Yes.

Q. That was during the month of September and after the dates shown in these letters, is that correct? A. Yes.

Mr. Covington: That is all.

*Recross examination by Mr. Bruchhausen:*

Q. You also subscribe to the belief that this is God's organization on earth? A. Jehovah's Witnesses constitute God's organization on earth.

Q. And Mr. Rutherford was the head of God's organization on earth? A. He was one of Jehovah's Witnesses, one of those bound in covenant with Almighty God. He was President of the corporation, Watch Tower Bible & Tract Society. The head of God's organization both in Heaven and on earth is one, Christ Jesus.

Q. Well, he was acting for Christ Jesus, wasn't he? A. He was acting under the direction of Christ Jesus in the same way that every one of Jehovah's Witnesses act under his direction, under the direction of Christ Jesus.



Q. And everything that you saw in the "Watch Tower" you subscribed to? A. Yes.

Q. You always read the "Watch Tower" and all their publications? A. Right.

Q. Did you read any other religious magazines? A. Many.

Q. What? A. Catholic, Protestant, Hebrew, and others.

Q. For what length of time? A. Even to this day.

Q. Did you read them while you were studying for the ministry under the Watch Tower? A. I read them in the line of duty, in connection with the activities of Jehovah's Witnesses.

Q. Before you became a minister? A. No.

Q. After you became a minister? A. That is right.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

(Witness excused.)

Mr. Covington: Nathan H. Knorr.

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NATHAN HOMER KNORR, 124 Columbia Heights, Brooklyn, New York, a witness called on behalf of the defendants, being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Knorr, when did you come to Bethel, please? A. 1923, September.

Q. And where did you live before you came to Bethel? A. Allentown, Pennsylvania.



Q. And at Allentown, were you living with your folks, your father and mother? A. I was.

Q. And since the time that you first came to Bethel, have you continued to reside there constantly? A. I have.

Q. You have visited on vacations since that time with your family, among other occasions, have you not? A. I have.

Q. When you first came to Bethel, what were your duties? A. Preaching the Gospel from door to door and also working in the Shipping Department at the factory.

Q. How long did you continue to serve in the Shipping Department? A. About two years.

Q. During that time, did you continue to preach the Gospel, from house to house also? A. I did.

Q. And you have done that constantly ever since you have been at Bethel, have you not A. That is right.

Q. When you left the Shipping Department, where did you go? A. To the office.

Q. That is the— A. The general office of the Society and it was located at 18 Concord Street.

Q. What duties did you perform at the office then? A. Worked on the dispatch desk.

Q. How long did you work on the dispatch desk? A. Until 1932, late in the year.

Q. When did you become office servant? A. In September, 1932.

Q. What were your duties as dispatch clerk in the office? A. The routing of the publications through the factory, the general planning of the work and what publications should be printed.

Q. Tell us your duties as office servant. A.

The general supervision of the office and the factory.

Q. And you worked as office servant from 1932 until when? A. Until January 1942.

Q. And what position did you occupy after January 1942? A. I was president of the Watch Tower Bible & Tract Society, New York corporation and Pennsylvania corporation.

Q. Before that, did you ever occupy any official position with the Society? A. I was a director in the New York corporation, I believe, around 1935.

Q. Did you become vice president of either or both of the corporations later on? A. I became vice president of the New York corporation in January, 1936, I believe it is, and I became vice president of the Pennsylvania Corporation in June 1940.

Q. As office servant, did you have under your supervision and direction all the men that worked at 117 Adams Street? A. Yes, sir.

Q. Did you have under your control the matter of bringing boys to the office and putting them into the office there? A. That was always under the control of the president. At times he would ask me to go through the applications or files in his office and make some suggestions, and from that he always made the selection of who should come into Bethel.

Q. Before you came to Bethel, how long had you been one of Jehovah's Witnesses? A. About a year.

Q. And when were you ordained as a minister of the Watch Tower Society? A. On July 4, 1923.



Q. And what was the occasion? A. There was a convention in Allentown, Pennsylvania.

Q. And who performed the baptismal ceremonies on that occasion? A. Mr. Franz was serving the convention at Allentown, and he delivered the lectures during the convention, he and some others, and he also delivered the lecture in connection with the baptismal service.

Q. And were you baptized on that occasion? A. I was. I was baptized in the Lehigh River.

Q. And ever since that date, did you continue to preach the Gospel? A. I have.

Q. After you came to Bethel, did you undergo a course of study there for advance minister? A. I did.

Q. And when was that? A. When I first came to Bethel, they had what was known as the Prophets School, and that was a school within the Bethel organization where the brethren came together to deliver brief talks on Bible subjects that were assigned to you. Also, counsel and instruction were given the different speakers on their deportment on the platform and their expressions, on outlines of talk and their manner of speech.

Q. What is the primary source of authority for the ordination of Jehovah's Witnesses? A. It is based on the Bible, which is God's word.

Q. And what Scriptures? A. Isaiah 61, 1 and 2, says that "The Spirit of the Lord God is upon me to preach the Gospel unto the poor and also to comfort those that mourn." Again, the Commandment is set forth in Matthew 24:14: "This Gospel of the Kingdom shall be preached in all the world for its witness." There are numerous other Scriptures in the Bible that indicate that a Christian must preach the Gospel of the Kingdom even as Christ did when he was upon the earth.



Q. And what method is that, of preaching, that is employed by followers of Christ? A. Well, the method is the same as Christ employed. He went from place to place, from village to village, from house to house, and preached the Gospel. It was His purpose in life, after he had consecrated Himself and was immersed in the Jordan River, to devote all of his time to the Proclamation of the Kingdom, which is the only hope of the world.

Q. On the occasion that He was baptized in the River Jordan, did he cite Isaiah, 61, 1 and 2, as His Authority for ordination?

Mr. Bruchhausen: If your Honor please, I submit the Bible speaks for itself.

The Court: Objection sustained.

Q. What does the Watch Tower Bible & Tract Society have to do with the organization of Jehovah's Witnesses? A. The Watch Tower Bible & Tract Society is the governing body of Jehovah's Witnesses. Ordination comes from Jehovah God, but men or the Society recognizes that ordination.

Q. Does the Society make provision to identify its ministers in the field? A. It is that it has full knowledge and record of such as those at the Bethel Home, they know what they are doing and are cognizant of their course of life, and they also know what the full-time pioneers are doing in the field, because they make a report to them.

Q. The part-time ministers known as Company Publishers, what record is kept with reference to their ordination? A. The Society has no record



of it, but the record is kept in the local company by the company servant, and they know who are the representatives of the Society and carry on ministerial work.

Q. Who in each company has the authority to identify those authorized to preach in the company part-time? A. One who has made a consecration and so symbolized it before witnesses makes outward expression that he is an ordained minister and is one of Jehovah's Witnesses. The company servant or other servants in the company recognize this and will give them assignments of territory and work to do in the organization.

Q. Do Jehovah's Witnesses attend parochial or divinity schools in preparation for the ministry? A. No, sir.

Q. What course of instruction or what source of instruction, I will put it, do Jehovah's Witnesses follow in preparing themselves for the ministry? A. Their chief source of instruction is the word of God, the Bible.

Q. And what guide do they use in the study of the Bible? A. They use the Spirit of a Sound Mind, and then they use such publications as the Society has set forth, and use it in connection with their study of the Bible.

Q. Is there any particular length of time prescribed for that course of study? A. There is not.

Q. Was there any particular length of time prescribed by Christ Jesus—

Mr. Bruchhausen: I object.

The Court: Let him testify. Objection sustained.



Q. Is each man at Bethel an ordained minister? A. Yes, sir.

Q. Is each man at Bethel certified on a list with the Selective Service System in Washington as an ordained minister?

Mr. Bruchhausen: I object.

The Court: Objection sustained. That is highly improper. It has no part in this case.

Mr. Covington: We except, your Honor.

The Court: You had an exception to that once, and if you mention it again, there is going to be trouble. You offered it in evidence, that paper, and you have a ruling on it, and you had another witness testify as to his Draft Classification. We will have no more of that in this courtroom—to which the Defendant may have an exception.

Mr. Covington: All right, sir.

The Court: The courts of law are not bound by the Selective Service.

Q. Now, how long have you known Joseph F. Rutherford? A. Since 1923, September.

Q. After coming to Bethel, did you become closely acquainted with Judge Rutherford? A. I did.

Q. During the years that you worked at Bethel, did you have occasion to deal with him in a fiduciary capacity? A. I did.

Q. In the performance of these duties that you have mentioned to the jury, did you have occasion to visit Judge Rutherford frequently? A. Yes, very often.



Q. After you became office servant, how frequently did you communicate with Judge Rutherford? A. Usually two and three times a week.

Q. And when he was in Brooklyn, did you do that by correspondence or by personal visits? A. Usually by personal visits.

Q. Did you report to him generally the operation of the factory? A. I made regular reports to him on the work at the factory, production, and the general routine.

Q. What was the policy followed in reference to the "Watch Tower" copy, the copy for the "Watch Tower" magazine? A. Judge Rutherford usually handed that to me personally when I was seeing him about some matters at his desk at Bethel on the seventh floor.

Q. And when you obtained the copy, what did you do with it? A. If he gave me just one issue and it was due according to schedule, it went right through to the proofreaders. If he had written some copy in advance, then I held it until the schedule called for the copy to go to the Proofreading Department.

Q. The "Watch Tower" magazine is the channel of communication between the Society and Jehovah's Witnesses, is it not? A. Yes, sir.

Q. Has it always been recognized as such? A. That is right.

Q. Was it considered as such during the years 1935 to 1939? A. It was.

Q. And up to 1940? A. Yes, sir.

Q. And now, is that correct? A. Yes, sir.

Q. Did you ever see Judge Rutherford preside at the head of the table? A. I have.

Q. How frequent was that when he was in

Brooklyn? A. When he was in Brooklyn, he always came down to the table.

Q. Have you, during the years of association with Judge Rutherford, had an opportunity to see him conduct himself at the table? A. I have.

Q. What was his attitude towards his brethren at the table? A. He was very kindly to his brethren at the table. He always looked out after their best interests. He would give them instruction on the Bible and comments on the Scripture and advice.

Q. What other subjects were usually discussed at the Bethel table? A. Mainly, the discussion was Bible questions, and in the morning service it was always based on some Scripture, and questions were propounded on it.

Q. At other meals was there discussion concerning the service? A. Service problems were discussed. Reports were given by different brethren of experiences in the field. Some legal reports were given.

Q. Was it usually the custom of the ministers that served in the field to make customarily reports when they returned from the field? A. Yes, sir, they did, when they went out speaking on Sunday appointments; usually, on Monday, they gave a brief report of the attendance and any outstanding experience.

Q. Based on your observation and experience with Judge Rutherford, during these years, could you tell whether or not you ever noticed him give anybody a table trimming and a severe tongue-lashing? A. No, he has not.

Q. Have you ever seen him publicly call to account and condemn and reprimand his brethren for making comments? A. No.



Q. Have you noticed the condition of the denial of freedom of speech at the Bethel table while Judge Rutherford presided? A. Never.

Q. What was the attitude of the brethren during the time that he was there with reference to propounding questions or making comments? A. He always opened the comments at the table for table discussion on questions. Anyone was at liberty to ask a question and also to comment on it.

Q. Did you ever notice any condition of restraint among the brethren on the matter of discussion and comment? A. No, I did not.

Q. Did you ever notice Judge Rutherford act intolerantly before his brethren? A. No, sir.

Q. Did you ever hear him berate his brethren for exercising their comments at the table? A. No, sir.

Q. You are acquainted with Mrs. Heath, are you not? A. I have known her for many years.

Q. You knew her before she got married, did you not? A. Yes, sir.

Q. What position did she occupy with the Watch Tower Bible & Tract Society? A. She worked in Judge Rutherford's office as a secretary or stenographer.

Q. During those years you had occasion to deal with her, approaching Judge Rutherford, too, did you not? A. Yes. She was in the secretary's office.

Q. You were familiar with the accommodations that Judge Rutherford had at Bethel, were you not? A. I was.



Q. And were you familiar with the accommodations and rooms that the other brethren at Bethel had? A. I am.

Q. Were you familiar with those accommodations during the years 1935 to 1939? A. Yes, sir.

Q. Who occupied the fourth floor of Bethel? A. The fourth floor of Bethel is devoted exclusively—

The Court: In 1935 to 1939.

Q. (Continued): —1935 to 1939? A. It was devoted exclusively to the sisters that work at Bethel and to the married couples. In fact, we always considered it as the ladies' floor except where the folks were married. Then the men lived on the same floor there with their wives.

Q. And the other floors at Bethel were occupied by single men, were they? A. Yes, all the other floors, as I recall, were occupied by single men except, I think, the sixth floor. There were some married couples up there.

Q. Did Mr. Moyle and his wife occupy a room on the sixth floor? A. They did.

Q. Did you ever hear alcohol or liquor glorified at the Bethel table? A. No, sir.

Q. Did you ever hear filthy, dirty and smutty stories passed around the Bethel table? A. No, sir.

Q. When did you become acquainted with the plaintiff, O. R. Moyle? A. When he came to Bethel, in 1935.

Q. During his stay at Bethel, did you become better acquainted with him? A. Yes, I was quite well acquainted with him.



Q. And did you regard him highly? A. I did.

Q. Did you consider him a man of confidence? A. Yes, I did.

Q. Did he occupy a position of confidence with the Society? A. He did.

Q. Do you recall the preparation for the Madison Square Garden meeting? A. Yes, sir.

Q. What, if anything, did you have to do with that? A. Well, usually I handled—

The Court: Not usually; this particular meeting.

A. (Continued): At the Madison Square Garden, I was appointed to be the General Manager of the convention which was held on Saturday and Sunday, and I looked after all the general arrangements, the book rooms, and general supervision of the ushers and the platform and the loud speaking, and everything in general.

Q. Regarding the ushers, whom did you deal with, please? A. I dealt with Mr. Heath and Mr. Hannan.

Q. Did you go with Mr. Heath and Mr. Moyle to see the Police prior to the convention with reference to Police protection? A. Yes, sir.

Q. You recall the testimony of Mr. Heath describing about what was said and done on that occasion? A. Generally.

Q. Your testimony would be substantially the same as to what took place there, would it not? A. Yes, sir.

Q. After that meeting, what preparations were made to protect the Garden assemblage?



A. Well, it was thought wise to put a large number of ushers throughout the entire Madison Square Garden and to furnish the ushers with canes, and that was done.

Q. You were in the Garden when the disturbance took place, were you not? A. I was.

Q. You were one of the men that left the platform with Mr. Heath, were you not? A. Yes, I was on the platform and left.

Q. Did you have anything to do or appear in any of the night courts during the day of June 25, 1939? A. No, sir.

Q. Did you have anything to do after that with any of the cases? A. No, sir.

Q. You were not at the Magistrate's hearing on July 11, 1939, were you? A. That was the first one?

Q. Yes. A. No, I wasn't there.

Q. You appeared as a witness at the final hearing in October at Special Sessions, did you not? A. Yes, sir.

Q. What did you appear in Special Sessions for?

The Court: How is that material here? Is it? That was all after Mr. Moyle was gone, and there is not any question about that.

Q. Yes.

Mr. Covington: I just wanted to show that it was not in reference to the Garden disturbance, but it was only as to the contract made with the Garden, that is all. To show he did not have any knowledge of it.



The Court: You said it now, and we will accept it.

Q. I show you a letter dated July 21, 1939, signed by O. R. Moyle, addressed to J. F. Rutherford, and ask if you have ever seen that letter (handing to witness). A. Yes, sir, I saw it on August 8, 1939.

By the Court:

Q. At the Board of Directors' meeting when Mr. Keller, the secretary of Judge Rutherford, read it? A. Yes, sir.

By Mr. Covington:

Q. How did you learn of the August 8th meeting? A. An announcement was made at the breakfast table that a Board of Directors' meeting of both corporations would be held in the President's office at 10 o'clock.

Q. And on that occasion was Mr. Moyle advised to appear at the meeting? A. He was.

Q. Where did you come from immediately prior to the August 8th meeting? A. I went over to the factory right after breakfast. I stayed there until about quarter of ten, and then walked over to the meeting with Mr. Moyle.

Q. And prior to that time, did you know anything about what the meeting pertained to? A. Not at all.

Q. Had you ever seen this letter dated July 21, 1939, prior to that Board of Directors' meeting? A. No, sir.

Q. When you heard that letter read, what was your reaction? A. Well, I was amazed, very

much surprised that Mr. Moyle could write such a letter because it was so utterly false.

Q. During the occasion of the discussion had by the directors, did you make any statement with reference to the truth or falsity of the contents of this letter? A. Yes, I made a statement before Mr. Moyle and the directors that the statements in those letters were false. I expressed, as I recall, that Mr. Moyle did not appreciate the Theocratic Government by Jehovah God and under His Son, Christ Jesus, that he had lost all appreciation for the truth, and that the statements that he made in there were false.

Q. On that occasion, did you hear Judge Rutherford make any statements to Mr. Moyle, in reference to how he handled the Madison Square Garden matter? A. Yes, I did. He said something to Mr. Moyle to the effect that "Why is it that you were so friendly to Mr. McDonald and pat him on the back?" To which question or statement of the Judge Mr. Moyle had no reply. He was silent.

By the Court:

Q. You say he had no reply or he made no reply? A. He made no reply.

By Mr. Covington:

Q. A resolution was prepared and adopted on that occasion, was it not? A. It was.

Q. Did you vote in favor of that resolution? A. Yes, sir.

Q. Did you attend the meeting of the Bethel Family at the Bethel dining table that day? A. I did.

Q. Was the letter read before the Bethel Family



on that occasion? A. Yes, it was read again by Mr. Keller.

Q. Was a vote taken by the entire family with reference to the truth or falsity of this letter? A. It was.

Q. And what was the vote? A. The Family accepted the same resolution that the Board of Directors had passed, and they were all unanimous, with the exception of Mr. Moyle, Mrs. Moyle, and their son, Peter Moyle.

Q. Did you have anything to do with reference to seeing that Mr. Moyle left the Home? A. Not the Home, but his office at the factory.

Q. And did he come back to the factory and get his personal belongings there at the factory and take them away? A. Yes, sir.

Q. And was that on July 21st—I mean, August 8th? A. August 8th? I believe it was.

By the Court:

Q. It was the same day of the Board of Directors' meeting? A. Yes, sir, that afternoon.

By Mr. Covington:

Q. Now, you subsequently signed an article entitled, "Information," did you not? A. I did.

Q. You are familiar with the contents of that, are you not? A. Generally, yes.

By the Court:

Q. Did you sign it on September 21st, at the Board of Directors' meeting? A. I did.

By Mr. Covington:

Q. On that occasion, did you believe that the



contents of the article entitled "Information" were true? A. I did.

Q. And in signing that, did you do it as expressing your honest belief and opinion concerning its contents? A. I did.

Q. Did you express your honest belief and comment concerning the action taken by Mr. Moyle? A. Yes, sir.

Q. Did you believe everything in the statement to be true? A. I did.

Q. What did you base your statement on regarding the handling of the case by Mr. Moyle? A. Only on what I heard at the Board of Directors' meeting, on August 8th.

Q. Did you read the article entitled, "Snares," before it was published? A. I did not.

By the Court:

Q. The first time you saw it was when it appeared in the "Watch Tower" magazine, on November 15th? A. That is the first time I read it, although I handled the manuscript.

Q. The first time you had read it? A. That is right.

Q. You had nothing to do with the preparation? A. No, sir.

Q. You were merely just passing it along, as you have described? A. Routine work.

By Mr. Covington:

Q. On and prior to September 21st, had you seen any copies of these letters that are referred to in evidence as from Laura and Leland Rouse? A. Sometime early in September, some of those letters came into the Brooklyn office, and they



came through my desk, and I passed them on to Judge Rutherford's office.

Q. And on the occasion of September 21st, what was considered to be done with the article entitled "Information"? A. It was considered to publish it in the "Watch Tower" and also give it to Mr. Howlett to take with him to Wisconsin.

Q. And did he take that with him to Wisconsin? A. I understood he did.

By the Court:

Q. That decision was made by the Board of Directors, I take it, is that right? A. I don't recall that the Board of Directors voted on that, that he take it, but we all understood he was, and it was agreeable.

Q. It was discussed at the Board of Directors' meeting? A. That is right.

By Mr. Covington:

Q. And that was to go to Wisconsin to be presented before all the companies, was it not, that were affected, all these companies in Wisconsin?

Mr. Bruchhausen: I object to that.

The Court: Objection sustained. It is highly improper and suggestive. It is a very important part of this case, and I wish you would not do it.

Q. All the companies to be visited by Mr. Howlett, inclusive of some of the companies that these letters had been received from?

Mr. Bruchhausen: I object to that.



The Court: Objection sustained.

Mr. Covington: We except.

Q. During your stay at Bethel had you noticed any discrimination on the part of Judge Rutherford with reference to the facilities that he had as compared with those of his brethren? A. I hadn't.

Q. Are you familiar with the property at Staten Island? A. Yes.

Q. Had you ever visited at Staten Island during the years 1935 to 1939? A. Yes.

Q. During that time had you visited inside the house there and noticed the accommodations there? A. Yes, sir.

Q. Did you know whether or not other persons occupied the house in Staten Island, outside of Judge Rutherford when he was there? A. Yes, they did.

Q. Did other people stay there when he was gone? A. Yes.

Q. Were his accommodations at Staten Island better than the accommodations enjoyed by the other brethren who lived in the house?

Mr. Bruchhausen: I object.

The Court: Objection sustained as to form.

Q. What was in the room occupied by Judge Rutherford, if you know? A. Well, I know that Judge Rutherford, for many years, had his bedroom and his office at Staten Island in the same room. I also know that in later years—I don't recall the year—

The Court: We are talking about 1935 to 1939.



A. (Continuing) —he had the bed taken out of the wall and he put in shelves and made it as a library or bookcase, and he used another room as his bedroom.

Q. He maintained an office, did he not, there at Staten Island? A. Yes.

Q. In his bedroom did he have any different equipment there than that of any of the other rooms that the brethren occupied?

Mr. Bruchhausen: I object to that as calling for a conclusion.

Q. Just tell what was in his bedroom, if you know? A. Well, he has the general equipment of a bedroom; a bed and dresser and chairs.

Q. Did Mr. Moyle ever make any statements to you or complain to you about conditions at Bethel, while he was there? A. Never.

Q. Do you know about the matter of serving beer at the factory? A. Yes, there was beer served at the factory sometimes, when we were working evenings. It was in the summer months; I think two or three times, at the most. That is, on different occasions a small bottle of beer was given to each member of the Family—at the factory, rather.

Q. How many times was that, in all these years, that you recall? A. About three times.

Q. Did Mr. Moyle advise you as to the contents of this letter at any time prior to August 8th? A. No, sir.

Q. Did he ever tell you that you had been publicly condemned and ridiculed by Judge Rutherford at the table? A. No, sir.

Q. Did he discuss that with you at any time? A. No, sir.

Q. Did you authorize or request Mr. Moyle to make this complaint in your behalf to Judge Rutherford? A. No, sir.

Q. Do you know whether or not any of the other boys at Bethel mentioned in this letter, asked Mr. Moyle to make a complaint in their behalf? A. I heard them express that they didn't, some of them.

Q. Were you familiar with Judge Rutherford during the last year of his life? A. I was.

Q. Did you visit with him at California?. A. I did.

Q. When was that, in reference to his death? A. A few months before he died, or a month before he died.

Q. Were you familiar with his physical condition during that time?

Mr. Bruchhausen: Well, I object, unless—

The Court: Which time?

Q. Just during the time immediately preceding his death.

Mr. Bruchhausen: I object. It is not an issue here.

The Court: Sustained.

Q. Do you know—please do not answer this until I have asked it—how many nurses Judge Rutherford had at the time of his death?

Mr. Bruchhausen: I object to it.

The Court: How are we concerned?

Q. After Mr. Moyle left Bethel did you have occasion to communicate with him at any time? A. I did.



Q. I show you a letter dated September 21, 1939, a copy of a letter, and ask you to please identify it. (Handing paper to witness).

The Court: A letter you wrote to Mr. Moyle, copy of letter?

A. Yes, I wrote this letter.

Q. Turn it over and see if you recognize that other letter. A. This is an answer from Mr. Moyle.

The Court: To you.

A. To the letter, to the Watch Tower Bible and Tract Society.

Q. Is that your signature on one of the copies? A. On the first one, yes.

Mr. Covington: We offer the letter dated September 21, 1939, as well as Mr. Moyle's reply, dated September 22nd.

The Court: Is that September 21st, that letter dated September 21st?

The Witness: September 21st.

Mr. Bruchhausen: Objected to as incompetent, irrelevant and immaterial; nothing to do with the case.

The Court: Objection sustained.

Mark it D-34 for Identification. The objection is being sustained as to Knorr's letter to Moyle.

(The letter referred to was marked Defendants' Exhibit 34 for Identification.)

Mr. Covington: Does your Honor's ruling apply also to the letter signed by Mr. Moyle?



The Court: Do you offer that?

I didn't look at that yet.

Mr. Covington: Yes, please. I offer that.

The Court: Same ruling; and they are both marked for identification as one exhibit, as long as you have the same ruling.

(The letter referred to was considered marked as part of Defendants' Exhibit 34 for Identification.)

Q. Did you have any hatred or ill will towards Mr. Moyle at the time you signed the article entitled "Information"? A. None at all.

Q. Did you know that Mr. Moyle was widely known throughout the United States among the Jehovah's Witnesses? A. I did.

Q. During that time were you familiar with the correspondence that went in and out of the office, pertaining to the legal department and Mr. Moyle? A. Generally; but I never read it. All correspondence that went out.

The Court: You mean to say you knew there was correspondence going out?

The Witness: Yes. It all went through my desk.

Q. All the outside correspondence was placed on your desk? A. Yes.

Q. Did that include the letters signed by Mr. Moyle? A. Yes.

Q. Did he carry on correspondence in his own name, on counselor's stationery? A. He did.

Q. Was that throughout the entire United States? A. It was.

Q. Could you state what the primary factor



of the life and strength of Jehovah's Witnesses and the Watch Tower Bible and Tract Society is, between themselves?

Mr. Bruchhausen: Well, is this a doctrine?

Mr. Covington: It is partly so.

Mr. Bruchhausen: Is it published or something in somebody's mind?

The Court: Do you object?

Mr. Bruchhausen: I don't object. I will withdraw the objection.

The Court: Read the question.

(The stenographer read the question as follows:

"Q. Could you state what the primary factor of the life and strength of Jehovah's Witnesses and the Watch Tower Bible and Tract Society is, between themselves?")

A. Of its faithfulness and loyalty to Jehovah God and to the Son Christ Jesus, and to their brethren.

Q. Is it the Society's policy to make known to Jehovah's Witnesses those that cause division and offense?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Bruchhausen: I think counsel should be admonished.

The Court: I won't admonish him for that, because I think he wants to make a record and I am inclined—

Objection sustained.

Q. I show you that application (handing paper to witness). A. Yes.



Q. Now, will you please tell what it is? A. It is an application for Pioneer Service by Mr. Broad.

Q. What is the date of it?

Mr. Bruchhausen: I object. That has been offered before, and it has been excluded.

Mr. Covington: No, it hasn't.

A. February 4, 1940, it is dated.

Mr. Bruchhausen: It is incompetent, irrelevant and immaterial, beyond the time.

The Court: It hasn't been offered.

Mr. Bruchhausen: I thought it had been offered. Pardon me. I say that in anticipation of the offer.

Mr. Covington: Here is the offer now.

Mr. Bruchhausen: Well, I renew my objection.

The Court: Objection sustained.

Mr. Covington: Exception. Mark it for identification.

(The paper referred to was marked Defendants' Exhibit 35 for Identification.)

The Court: Identification only.

Q. Do you know the man's name mentioned; do you know the man who signed that application?

Mr. Bruchhausen: I object to it for the same reason.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Would you state, please, the policy of the Society in reference to advising Jehovah's Witnesses concerning the activity of the Society's ministers?

Mr. Bruchhausen: I object to the form of the question.

The Court: Objection sustained.

Mr. Covington: I am sorry. I didn't hear you, your Honor.

The Court: Objection sustained.

Mr. Covington: Exception.

Q. Did you sign the article entitled "Information" in the course of your duty as a director of the Society? A. Well, in the course of duty and because I wanted to.

Q. Why did you sign the article entitled "Information"? For what purpose?

Mr. Bruchhausen: Objected to.

The Court: Objection sustained.

Mr. Covington: We except, your Honor.

Q. Did you believe that you had an interest in the contents of the article entitled "Information" to convey to Jehovah's Witnesses?

Mr. Bruchhausen: Objected to.

The Court: I will permit him to answer yes or no.

A. Yes.

Q. Did you believe that Jehovah's Witnesses had an interest to know the contents of the article entitled "Information"?





Mr. Bruchhausen: Objected to.

The Court: I will permit him to answer yes or no.

A. Yes.

Mr. Covington: That is all.

The Court: Before you start cross examination, we will take our morning recess. Please do not discuss the case.

(Following a short recess.)

*Cross examination by Mr. Bruchhausen:*

Q. How old are you, Mr. Knorr? A. Thirty-eight.

Q. And you left Allentown at the age of what? A. Eighteen.

Q. Had you attended public school there? A. Yes.

Q. Had you been employed in anything? A. I worked in a store after school and Saturdays and during vacations.

Q. Did you know Mr. Rutherford before you left Allentown? A. Only through his writings; not personally.

Q. How did you get the writings there? A. In 1921, it was, there was a series of lectures put on by the Society in Allentown, and I went to hear some of those lectures. They had engaged a theatre, and I went to hear the series.

Q. Did Mr. Rutherford lecture? A. No, he wasn't one of the speakers.

Q. You are not married, are you? A. No, sir.

Q. A very large percentage of the residents of Bethel are unmarried? A. That is right.





Q. Isn't it about 75 per cent? A. Yes, or more.

Q. And the ages of those people at Bethel—I withdraw the question. Many of them are under thirty, aren't they? A. Yes, quite a few are under thirty years.

Q. Would you say at least 50 per cent of them? A. I doubt if it is 50 per cent.

Q. Well, isn't it close to that? A. I never have checked. I wouldn't dispute the point.

Q. Many of them come in as boys, don't they, to Bethel? A. Young men eighteen and over; twenty-two, twenty-five.

Q. And they come and go, don't they? A. Yes.

Q. And Mr. Rutherford was reluctant to give them vacations, wasn't he? A. No, he wasn't. He always arranged vacations.

Q. Wasn't he reluctant—don't you recall this, because in many cases they went out and got married? A. No. He admonished that they would lose the privileges of service if they did get married at Bethel; and he always explained how that it was a far greater privilege to serve the Lord than to leave this privilege that we had.

Q. So that if they did get married, they lost the privilege? A. Not in every instance, no.

Q. In most instances? A. Yes, but very few that I know ever requested to stay when they did get married.

Q. Some of them did leave and married shortly afterwards, didn't they? A. Some.

Q. In fact, you recall the case of Schmidt marrying within a week after he left? A. Yes.





Q. There have been many changes of doctrine in this organization while you have been there, haven't there? A. Some changes.

Q. Do you subscribe to what Mr. Franz said, that God had erected the Watch Tower in 1918? A. Will you repeat that?

The Court: Read the question.

(The stenographer read the question as follows:

"Q. Do you subscribe to what Mr. Franz said, that God had erected the Watch Tower in 1918?")

A. Yes, He has.

Q. Do you recall this writing, "Finished Mystery" which was published in 1917? A. I recall the publication, yes.

Q. You recall that was an exposition of Revelation and Ezekiel and was circulated to the amount of millions of copies to 1930 by the Watch Tower? A. That is right.

Q. It was written by Messrs. Woodworth and Fisher? A. That is right.

Q. And the Watch Tower has accepted that as a truth, didn't it? A. Generally, yes.

Q. Then do you recall that in 1930 Mr. Rutherford wrote this book "Light" which came out in two volumes? A. Yes.

Q. And in that don't you recall that he made an exposition of Revelation which was different than set forth in the "Finnish Mystery"? A. Yes, sir.

Q. And after that time this doctrine announced in "Light" took the place of the doctrine in "Finished Mystery"? A. Yes.





Q. So that the doctrine set forth in the earlier work was erroneous? A. Yes. I might say, if I can express further—

Q. Well, it was erroneous, was it not? A. Well, not all of it was erroneous. The Light shines more and more under the perfect day, and as things become clearer it is much easier to understand the Scriptures. It is difficult to understand Scripture until things have transpired to fulfill those Scriptures.

Q. God was writing these books ever since 1918, wasn't he? A. I wouldn't say God was writing them.

Q. They were written under the influence of God, weren't they? A. They were written by men in the service of God's Organization, to bring to the attention of the People the truths as expressed in the Bible.

Q. Would you say that God's views had changed between 1918 and 1930? A. God's views never changed, and their only expression is in the Bible, which is God's word. Man can make a mistake in the interpretation thereof.

Q. So that these leaders or agents of God are not infallible, are they? A. That is right.

Q. And they do make mistakes in these doctrines? A. That is right.

Q. But when you put out these writings in the Watch Tower, you don't make any mention, to those who get the papers, that "We, speaking for God, may make a mistake," do you? A. When we present the publications of the Society, we present with it the Scriptures, the Scriptures set forth in the Bible. The citations are given in the writing; and our advice is to the People

to look up these Scriptures and study them in their own Bibles in their own homes.

Q. But you don't make any mention in the fore part of your Watch Tower that "We are not infallible and subject to correction and may make mistakes"? A. We have never claimed infallibility.

Q. But you don't make any such statement, that you are subject to correction, in your Watch Tower papers, do you? A. Not that I recall.

Q. In fact, it is set forth directly as God's Word, isn't it? A. Yes, as His word.

Q. Without any qualification whatsoever? A. That is right.

Q. Do you subscribe to this statement that has been made in court, that Christ suffered for the obedient ones? A. Yes, I do.

Q. Do you recall this part of the Scriptures in Romans, 5, 6, that "* * * in due time Christ died for the ungodly"? A. Yes.

Q. Is that a truth? A. Yes, it is a truth.

Q. Well, now, don't you find in the Bible that there are different considerations that can be placed on different wordings and sentences in the Bible? A. I believe that when you are studying any subject in the Bible you should bring all the Scriptures together under one heading and get the general thought of all those Scriptures.

Q. Well, you know different considerations can be placed on the Bible, don't you? A. If you take an isolated Scripture, yes.

Q. And it is very possible for these infallible people in the Watch Tower to take the wrong



Scripture? A. I can't say they were infallible. Your premise is wrong.

Q. They have made many mistakes in the course of the time that you have been there? A. They have made some mistakes.

Q. Many of them? A. It all depends on what you mean by many.

Q. Well, you have been there a great many years, haven't you? A. Nearly twenty now.

Q. You recall this Madison Square Garden arrangement made for the ushers, do you not? A. Yes.

Q. And there were written instructions, were there not? A. Yes, sir, there were some written instructions given out; not to the ushers.

Q. And you admitted—

The Court: He said, "Not to the ushers."

Q. Well, you had written instructions? A. Yes, I had some.

Q. And the ushers were assigned and given their position pursuant to those instructions? A. That is right.

Q. You followed the instructions exactly? A. Well, I am subject to error.

Q. You followed them properly, didn't you? A. Followed them to the best of my ability at the time.

Q. They were simple instructions, weren't they? A. Yes.

Q. And didn't you make the statement that the ushers did very well, performed well at the Garden? A. I may have made that statement some time.



Q. Do you recall an instance in 1939 when Mr. Rutherford called you at the office and you were very much disturbed by what he told you and you came into Moyle's office and cried and said, "The Judge has given me a trimming over the 'phone"? A. No.

Q. Would you say that you never did complain in Mr. Moyle's office about what Mr. Rutherford had said over the 'phone to you? A. No, I have never complained to Mr. Moyle.

Q. Your office was right near his, wasn't it? A. The same floor.

Q. And you did go into his office a number of times during the course of the day? A. Quite frequently.

Q. And don't you recall this instance, Mr. Knorr, that one time the Judge and Goux were coming down in the elevator and Goux mentioned that the Judge hadn't sent sufficient copy over and the Judge was very much exercised because he knew that sufficient copy had come over, and he came in and talked to you in a loud tone of voice in the room at Bethel? A. No.

Q. About that? A. No.

Q. And berated you? A. No, he never berated me.

Q. Will you say to this Court and jury that there was no such incident, about that lack of copy, which was raised by Goux? A. There was an incident years ago, about some copy; and I recall mentioning—

Q. This was three or four years ago? A. No, I never mentioned anything three or four years ago that I know of.



Q. You did have some incident where you discussed copy, did you not? A. Yes.

Q. And it was in the dining room? A. In the dining room, yes.

Q. And the Judge mentioned it first, did he not? A. I believe he did.

Q. And you were the one who was mentioned by him in respect to that copy? A. Yes.

Q. And everybody in the dining room could hear it? A. Yes.

Q. Whenever the Judge talked about anything, you could hear it all over the dining room, could you not? A. That is right.

Q. And he wasn't a man without emotions, whatsoever, was he? A. No, he had emotions, like most people have.

Q. His emotions rose and fell as things pleased him or displeased him, didn't they? A. I wouldn't say that.

Q. Were they always on the same level? A. No, not on the same level.

Q. Didn't his blood pressure go up a bit now and then? A. Not that I ever noticed.

Q. Things went wrong, didn't they? A. Sometimes people made mistakes.

Q. With all those people working in the factory and in and around the place, something did snap once in a while or displeased him? A. I wouldn't say that things snapped or displeased him, no.

Q. Will you say that in all the course of his work there that he wasn't displeased on any occasion? A. Well, there were things that occurred that he didn't like.

Q. Wasn't the purpose of Mr. Rutherford's talking to any individual who displeased him, in



the dining room, to pass it out to the rest of them, so that they wouldn't commit some offense? A. No, it was for the purpose of making the correction and setting out a general policy or rule of procedure.

Q. Didn't you know that he had a private office where corrections could be made? A. Yes; and often he gave correction in his private office.

Q. But there were many times when these corrections were made in the dining room? A. Sometimes, yes.

Q. Many times, Mr. Knorr? A. Well, I wouldn't say too frequent. There were occasions when he made corrections in the dining room, yes.

Q. And it was made loud enough so everybody could hear it? A. Properly so, because we wanted them to hear it.

Q. And you were present on those occasions when he did correct C. J. Woodworth about the calendar? A. Yes, I was there.

Q. And also MacAuley, McCormick, Prosser, Price, Van Sipma and Ness? A. Well, that is Mr. Moyle's statement, that he did it. A. He may have said something, but—

Q. You were present, Mr. Knorr, on all those occasions, when those corrections were made? A. Yes.

Q. You had your meals there every day? A. Yes, every day.

Q. And you heard those corrections made to those people? A. I heard corrections made, yes.

Q. And it was made in a loud tone of voice? A. Over a microphone.

Q. Yes. And you were there when Worsley was corrected? A. Yes.



Q. Did those make up this Scriptural list? A. Yes, he made his statement for the benefit of the whole family, so the rest of us would hear it.

Q. In a loud tone of voice? A. Loud enough so those in the dining room might hear his words.

Q. Over the microphone? A. Over the microphone.

Q. You were there after the Madison Square Garden episode, when Mr. Rutherford mentioned what the ushers had failed to do? A. I remember his discussion, yes, about the ushers at the Madison Square Garden.

Q. Mr. Rutherford wasn't particularly pleased about these so-called rioters getting there in back of the platform, was he? A. He was very much concerned as to why they got back there.

Q. He was upset about it, wasn't he? A. I wouldn't say upset.

Q. Was he very calm and collected about it? A. He was very much collected in what he had to say.

Q. Don't you know that there were some heads damaged in the place when these rioters came in and the canes got to swinging? A. Some people were hurt.

Q. And Mr. Rutherford was there? A. Mr. Rutherford was on the platform.

Q. And the meeting at which he was presiding or speaking was interrupted, was it not? A. He kept right on going. They made the noise.

Q. But there was a lot of commotion? A. Yes, there was.

Q. And they had to have the police in to take care of part of it, didn't they? A. That is right.

Q. So that this meeting in the dining room

was very shortly after that incident, was it not? A. Yes.

Q. And he was exercised by what had happened at the Garden? A. Well, he used the Garden experience as an opportunity to give the Family some advice.

Q. He was exercised about it, was he not? A. I guess you could use the word "exercised."

Q. And of course, a lot of plans had been made for protection, before the proceedings started in the Garden? A. Yes.

Q. In which he had participated? A. Yes.

Q. So here he had all the ushers who had been at the Garden, in the room around the table? A. Not all the ushers; just those who were of the Family.

Q. Most of the ushers. And here he was trying to show them what they should have done in this instance, isn't that so? A. Not particularly what they should have done.

Q. What they failed to do? A. No. He pointed out how that in occasions of this kind no one should feel abashed. "He has broken in our own meeting place. We need not consider the Madison Square Garden as a sports auditorium. At that time it was really our Temple for worship." He pointed out to the Family that there was no reason why we shouldn't defend ourselves, "which you did in taking care of this meeting." He pointed out the need of self-defense and that it was a proper thing in Scriptural—

Q. But at that very moment three of your ushers were out on bail under charges, weren't they? A. That is right.

Q. As a result of this episode in the Garden? A. That is right.



Q. And Mr. Rutherford knew about that? A. Surely.

Q. And you want to tell this Court and Jury that he wasn't excited about what happened and what the ushers failed to do on that occasion? A. Well, I wouldn't say he was excited. He was intensely interested in it.

Q. And he spoke in a loud tone of voice, did he not? A. Loud enough for everyone to hear.

Q. And there was some criticism in his address to the ushers there? A. I would call it admonition.

Q. He used this expression "sissies," did he not, and that they were "unmanly"? A. He used that expression, but he didn't say the Family were sissies or unmanly.

Q. Whom was he talking about, the Coughlinites? A. No, he wasn't talking about them. He brought it in as a simile. You might say he used the word, saying that the Christian has a perfect right in self-defense, there is no reason why a person should be a sissy in such circumstances.

Q. He didn't charge the ushers with being sissies? A. No. I didn't take it that way.

Q. He wasn't charging anybody with being sissies? A. No, I didn't take it that way.

Q. It didn't have any particular point there at that time, in your mind? A. Well, it had a point, by contrast.

Q. Well, it was all in relation to what happened there? You know that the instructions were that the back of the speakers' stand was to have no ushers, don't you? A. The back of the speakers' stand?

Q. There were to be no ushers in the back of the speakers' stand?



The Court: You mean in the gallery in the back of the speakers' stand or the back of the speakers' stand?

Q. What did the instructions say as to the ushers in back of the speakers' stand? A. I don't recall.

Q. What happened to those written instructions? A. I don't know.

Q. Are they destroyed? A. Maybe I haven't got them.

Q. You haven't them in court with you, have you? A. No.

Q. When did you last see them? A. Oh, probably two or three weeks after the Madison Square Garden meeting.

Q. You cannot tell us what the instructions were as to the placing of ushers in the back of the speakers' stand? A. No. I don't remember.

Q. Don't you know that Mr. Rutherford, when he was talking in the dining room, made some statement as to how the ushers should have been placed back of the speakers' stand, and that suggestion he made was different than the written instructions that had been made before? A. No, I don't know he said anything like that.

Q. And that, even though Mr. Rutherford was mistaken, in what he had then said, and the conflict with the written instructions before, that you apologized?

Mr. Covington: I object.

The Court: Objection sustained.

Q. That is not so, is it?

Mr. Covington: Same objection.

The Court: I will sustain the objection to that question.



Q. [illegible] on that occasion? A. I don't [illegible].

Q. Well, isn't it possible that you said you were in error? A. I told Judge Rutherford many a time that I was wrong.

Q. In fact, you didn't find any occasion where you disagreed, with him, did you? A. Yes, I disagreed with him often on different points.

Q. Can you tell us anything that you disagreed with him about? A. Matters of production and qualities of paper and general business relations in the factory. He had the final authority to say "We will," or "We will not." He was President of the Organization.

Q. You were Vice-President, were you not? A. Part of the time, yes.

Q. His version would be accepted on all those occasions? A. That is right.

Q. You agreed that he was the head of God's Organization on Earth and accepted his statement on it? A. I don't agree with your expression that he was the head of God's Organization. He was president of the Watch Tower Bible and Tract Society and he was one of Jehovah's Witnesses.

Q. Well, he was a direct leader of Jehovah's Witnesses and did what God wanted on earth? A. He wrote the Watch Tower articles and we distributed publications that he wrote, which were based on the Bible.

Q. And he didn't submit those publications to you for approval, did he? A. Sometimes he gave me books to read before they were ever printed, asking me for suggestions or comments on them.



Q. Did you prepare the article that appeared on September 1st in the Watch Tower? A. On September 1st? The little—

Q. The one which charged Moyle with unfaithfulness? A. No, I didn't prepare it.

Q. Did you pass on it at all? A. No, I didn't pass on that.

Q. Did you read it before it was published? A. Yes.

Q. But you made no changes in it? A. No, sir.

Q. You didn't talk to Mr. Rutherford about it? A. No, sir.

Q. You read it because it came through the channel of Bethel to your office in the printing plant, is that true? A. That is right.

Q. And you just took it because you were in charge of the factory and had to do with the printing of things that came from Mr. Rutherford? A. Yes.

Q. And you didn't check up on this article "Information" did you? A. Yes, I knew about the contents of "Information" being corrected.

Q. But it wasn't submitted to you for approval by Mr. Rutherford, was it? A. Yes, it was, on September 21st, when he—

Q. It was all written out on that occasion? A. It had been prepared.

Q. It wasn't submitted to you in advance of the meeting of September 21st? A. No.

Q. It was all on the table there when you got in there? A. That is right.

Q. Ready for your signature? A. That is right.

Q. And this article "Snares," you didn't have



that submitted to you for approval by Mr. Rutherford? A. No, sir.

Q. You didn't even read it, did you, before you published it? A. Not when he gave it to me, no.

Q. So you would just take it because it came from Rutherford, and you put it in the Watch Tower? A. That is right.

Q. You never made any changes in any of those articles? A. No, sir.

Q. And never made any suggested changes in any of them? A. If he would ask me to read a publication or an article, and asked me to comment on it, why, I would.

Q. You wouldn't give any comment unless he asked you for it? A. If he asked me to read anything, I would usually comment on it.

Q. If he didn't ask you for a comment, you wouldn't pass on it at all? A. No.

Q. You just go ahead and print it? A. That is right.

Q. You were there when Mr. Ladwick left, weren't you, in 1930? A. I was at Bethel in 1930.

Q. And there was disagreement, was there not, between him and Rutherford? A. I don't recall.

Q. Well, you don't deny that there was some disagreement with Ladwick? A. I don't remember the incident.

Q. And you know he left, don't you? A. I think if I checked my records I would see that he had left Bethel.

Q. And he left very quickly after this disagreement, did he not? A. I don't know.

The Court: He doesn't recall.

Q. You don't deny that, and you recall the Woodworth incident in 1932, don't you, when Woodworth left? A. I remember him leaving.

Q. And that was a disagreement, too? A. It may have been. I am not acquainted with the details.

Q. And he left shortly after the disagreement? A. I don't know.

Q. Well, there were some words between Rutherford and those two, weren't there, in the dining room? A. I don't recall that there was.

Q. You don't deny that there were?

The Court: He doesn't say yes and he doesn't say no. Is that right?

The Witness: That is right.

Q. Can you recall the instance that MacAulay left? A. Yes, MacAulay left, I believe, abruptly.

Q. He was asked to leave, was he not? A. I don't know if he was.

Q. And that came about through some words in the dining room? A. I don't think so. I think he left of his own accord.

Q. Isn't Woodworth, the present Woodworth that is in your organization, on a monthly salary of $125? A. He receives an allowance from the Society.

Mr. Covington: This is immaterial, as to what Mr. Woodworth's compensation is.

Mr. Bruchhausen: Discrimination.

The Court: Objection overruled.

Mr. Covington: Exception.



Q. Isn't that the amount that he gets? A. I think it is—

Q. And Mr. Rutherford could—and did—increase the expense accounts as he pleased, couldn't he; he had sole power on that? A. There must have been some reason for that arrangement.

The Court: No. He is not asking about that arrangement. He is asking you whether Mr. Rutherford in the years of 1935 to 1939, could and did increase expense accounts at his will.

The Witness: I don't know if he did.

The Court: Could he have done so?

The Witness: He could have, I suppose.

Q. Under your rules, Mr. Rutherford, had a great deal of discretion? A. Yes, he had.

Q. And he has the right to pass on these expense accounts and say what they should be and what they shouldn't be, isn't that so? A. I think so.

Q. You didn't pass on the expense accounts? A. Sometimes in his absence he would delegate that responsibility to me.

The Court: But only in his absence?

The Witness: In his absence.

Q. When he was around he took entire charge of that expense money, did he not? A. His approval was final on expenditures of money.

Q. So he didn't submit it to you or any of the other directors? A. Not that I know of.



Q. Do you believe that Rutherford is resurrected? A. I do.

Q. And is still in charge of this organization? A. I don't believe that he is in charge of the organization. I believe that he is part of Jehovah's Organization in the spiritual part of His Kingdom. He is with Christ Jesus as part of the body of Christ.

Q. Does he take any part in running and managing the organization? A. I don't know how the heavenly arrangement of Jehovah is operating as far as the body—

Q. I am asking you if you believe that he is still taking part in it? A. Not in the affairs of the earthly organization, I don't believe he does.

Q. Do you write articles now in the Watch Tower?

Mr. Covington: That is immaterial, what they are doing now.

The Court: Objection sustained.

Q. You subscribe or you know that Rutherford stated that there were no bosses in the organization? A. That is right.

Q. Wasn't there a letter or communication sent out from the office to round up anything about Mr. Moyle, and any of his writings? A. I don't know.

Q. But you did have an organization there that had charge of the zone servants—were they—over the United States? A. Yes.

Q. And they were given instructions, many times orally, from time to time, weren't they? A. Possibly.

Q. And part of their duties was to keep peace



around the country, wasn't it, as far as Jehovah's Witnesses were concerned? A. Their principal duty was the preaching of the Gospel of The Kingdom and Organization, and the preaching of the Gospel.

Q. Outside of that they were also charged with keeping the peace and serenity in the companies? A. If there was a discussion or some trouble amongst a company, he might try to straighten it out.

Q. And they traveled back and forth from the Brooklyn office to the various states and the company rooms in those states? A. Sometimes, but not so very often.

Q. And they would get their instructions from Brooklyn as to what to do and what to obtain and what information to get from these servants throughout the country, if the instructions were given from Brooklyn? A. That is right.

Q. You didn't have charge of that department? A. No, sir.

Q. You know that the Judge used this practice of initialing reports that came in to him from time to time?

The Court: Did he have a rubber stamp?

A. He had a rubber stamp that he used on requisitions.

Q. Don't you know that as general counsel he passed on the strategy and what was to be done in the lawsuits that were pending? A. I believe he did.

Q. Connected with Jehovah's Witnesses? A. I believe he did.

Q. Did you see reports that were made from



time to time by Mr. Moyle to Mr. Rutherford? A. No, sir.

Q. Well, I show you this Plaintiff's Exhibit 11 for Identification and ask you whether that rubber stamp on the second page is the official stamp that Mr. Rutherford used after he passed on papers?

Mr. Covington: I object to that.

The Court: I will let him answer yes or no.

A. Yes, that looks like his rubber stamp.

Q. He was the one that solely used that stamp? A. I can't say. I can't swear to that.

Q. As far as you know? A. To the best of my knowledge.

Mr. Bruchhausen: I offer it in evidence.

The Court: The objection is still sustained.

Mr. Bruchhausen: Exception.

Q. Weren't you present— Didn't you tell Mr. Moyle on this occasion of the rioting in the Garden that Heath said in your presence and Carrell's, "Let's go up and crack a few heads"? A. No, that was never said.

Q. You have no recollection of anything like that?

The Court: He does not say that. He says, "I never said that."

The Witness: I never have heard that statement.

The Court: He asked you if you said it.

The Witness: No, I never said it.

Q. You spoke about how the president would



pass on how men were to be assigned in the factory, is that right? A. As to how men were to be assigned in the factory?

Q. Yes.

The Court: As to who?

Q. As to the assignment of workers in the factory on the different jobs? A. Sometimes I did and sometimes I didn't.

Q. But you did sometimes submit these prospective assignments to the president? A. Yes, sometimes.

Q. Now and then he would make changes in them, would he not? A. Yes.

Q. So whatever changes were made, you accepted? A. Yes.

Q. He was the final authority on that? A. That is right.

Q. Now, there is no question but this Watch Tower Magazine had a circulation of 160,000 copies in September and October, 1939? A. That was the mailing list of subscribers.

Q. How many more did you print besides that? A. Well, I believe the printing was around 220,000.

Q. Where did the other 60,000 copies go to? A. Around 8,000 would go to England by freight, several thousand to Australia by freight, and then 25 to 26,000 would go to what we called deletes or those what would expire. And then some extra copies went to the companies, around 2500 companies in the country.

Q. Those were given to the companies for distribution to any people of good will? A. To the people of good will and to be used in the study classes of the Watch Tower. Many people would

come to the study that didn't have a Tower, and then they would get to use them in the study.

Q. The people coming into the study might be people who had never attended a Watch Tower class before, isn't that so? A. Some would have to come, naturally, for their first time, but they would be people whom we had met in the field and conducted studies with.

Q. People who had never read any Watch Tower literature, or anything else, might come into those studies? A. That, in my opinion, would be a rare occasion, but—

Q. But some of those copies went to those people who just had heard of the Watch Tower and came in to see what it was about? A. Very possibly.

Q. And many of these extra copies over 160,000 were used for that purpose? You were anxious to get more people in the Jehovah's Witnesses, weren't you? A. No, they were used in the homes of those people where we were conducting studies. We had thousands upon thousands of studies in the homes of these people of good will; and these Watch Tower magazines would be presented to them; sometimes their subscriptions were obtained and they were put on the regular mailing list.

Q. But in many cases the Watch Towers were given to those people who visited in the homes and you had never met those people before: it was the first time that you made any acquaintance with them, isn't that so? And they got a copy of the Watch Tower? A. That was not the general distribution of the Watch Tower in 1939, because the literature that we contributed from



door to door for the education of the people was in book form and in booklets and probably some leaflets.

Q. And there were some Watch Towers? A. Well, I never carried them with me until 1940.

Q. Well, you were in the office in Brooklyn in 1939, were you not? A. Yes.

Q. And these extra Watch Towers, 40,000 of them or 60,000, were sent out to the different companies so that the company servants could use them as they pleased, isn't that so? A. Well, they used them, as I say, in the study of the Watch Tower or in the homes of the people interested in our views.

The Court: What you are trying to say is people that showed some interest in your organization?

The Witness: Yes.

Q. And then, those, you say, that were sent to Australia; those weren't sent to subscribers? A. Those were used for the same purpose as mentioned in this country. We have subscribers getting them direct from the office in Australia, and then the companies themselves have extra copies that they get, for use in the studies.

Q. How many did you send to Australia that weren't sent to subscribers? A. Oh, I couldn't say offhand. I might base a guess, if that is all right; maybe 1500 or 1800.

Q. And out of this whole 220,000, how many were sent where there were no subscriptions for them? Was it 60,000, if the subscribers were 160,000? A. The subscription list was 160,000 copies.



Q. So all the others, over and above 160,000, were distributed without subscriptions? A. No, not exactly, because there were probably 25 to 30,000 subscriptions that had been getting their Watch Tower for a whole year, and we call them deletes. They would get an extra copy after that, inviting them—

The Court: All right, then; the other 30,000?

The Witness: The other 30,000 went generally to the companies, and the branches.

Q. Didn't your Pioneers get ten copies for distribution at that time? A. Not at that time.

Q. How much space does 220,000 Watch Towers take up? Can you tell us in this court room?

Mr. Covington: That would be immaterial.

The Court: I don't see why it is material.

A. I would have to do some calculating.

Q. You have no record of the ministers of the Watch Tower, you say? A. As I mentioned, we have a record of those who are at Bethel and the full-time ministers, as engaged in the Pioneer work.

The Court: But as to the part-time ministers you have no record?

The Witness: We have no files on it at Headquarters, no. We keep no membership roll.



Q. So I understand that the only record of ministers is as to the ones at Bethel?

The Court: And the full time ministers working in the field, is that it?

A. Yes, sir.

Q. That make their headquarters in Brooklyn and go out to the different sections, is that it?

The Court: Not necessarily, is that right?

A. That is right.

The Court: Some of them are in the territory all the time, is that right; is that what you want to tell us?

The Witness: That is right.

Q. How many ministers have you got a record on? A. In 1939 or thereabouts?

Q. Yes. A. Well, my recollection is at that time we had around 2,500 full-time ministers in the field, and 150 zone servants and 6 regional servants, and all those that were at the Bethel home.

The Court: About 3,000 would you say?

The Witness: Approximately.

Q. And all those pioneers, brethren and company servants are ministers, is that right? A. Yes, sir.

Q. So even those people who go out and work part time endeavoring to interest people in the literature are ministers? A. Yes, they are



ministers, and they are preaching the Gospel. They are ordained by God to do it.

Q. They get a commission on those things? A. The Company publishers receive no commission.

Q. The pioneers or some of them receive a commission? A. They receive an allowance on the publications that they place.

Q. And the money that these people get for the literature gets back to Adams Street? A. That is right.

Q. Have you any idea in 1939, how many Publishers there were? A. Oh, I would say around 35,000, 40,000.

Q. How many pioneers? A. I mentioned about 2,500, I believe.

Q. You say that you did discuss matters of service with Mr. Rutherford at times? A. Often.

Q. Those were matters of the printing business and so forth? A. And the field.

Q. And the work of the Publishers in the field; nothing else but that? A. That is all.

By the Court:

Q. May I ask a question for my own instruction? Is every man that is a member of Jehovah's Witnesses a duly ordained minister? A. If he has made the consecration to serve God and entered into a covenant with Him and is preaching the Gospel and the Kingdom, he is an ordained minister.

Q. Does that mean every member of Jehovah's Witnesses? A. Well, I guess you would call it one and the same thing. If he is a member of Jehovah's Witnesses, yes.



The Court: I am asking that for my own purpose.

A. It is an individual matter.

Q. But every one that is a member of Jehovah's Witnesses is a duly ordained minister? A. Yes.

By Mr. Bruchhausen:

Q. And all these statements that are made in the "Information" article you had no personal knowledge, and weren't present at the Madison Square Court or anything else? A. I was at the Madison Square Garden.

Q. What I mean is you weren't present at the Madison Square Court or anything else? A. I was at the Madison Square Garden.

Q. What I mean is you weren't present in the court room?

Mr. Covington: May it please the Court—

Q. "Snares" article. I will correct myself. You weren't present in the court room at all, were you? A. No.

By the Court:

Q. The police court here? A. Not at the police court. I was in the final hearing.

The Court: We are not concerned with that.

Q. You got your information from what Mr. Rutherford told you? A. That is right.

Q. Mr. Rutherford wasn't in the court room?

The Court: As far as you know.

A. As far as I know, he wasn't.

Q. And the only thing that was said on August 8th about that court room affair, was that Mr. Moyle was friendly to McDonald, isn't that so? A. Yes.

Q. That is all you mentioned about it, and that is all you heard on it? A. Yes, that is all I know about that particular matter.

Q. You didn't see any letters that came in until after September 1st about this Moyle matter, isn't that so? A. It was after September 1st that I saw those letters.

Q. So, when you met on September 21st and signed the article "Information," that is when you also agreed on publishing, wasn't that it?

The Court: Putting it in the Watch Tower?

A. Yes.

Q. You agreed on publishing it? A. Yes.

Q. In fact, in it, as I recall, is it not a fact that it has stated "Approved for publication"? A. That is right. In fact, the opening paragraph mentions that.

The Court: The bottom of it says "Approved for publication, J. F. Rutherford"? Is that correctly stated?

The Witness: Yes.

Mr. Bruchhausen: No further questions.

*Redirect examination by Mr. Covington:*

Q. You have mentioned that Judge Rutherford has corrected the Family members and the Family on various occasions. Those occasions, did they pertain to matters in which the Family had a general interest?



Mr. Bruchhausen: I object to it unless he states the detail.

The Court: Objection sustained.

Q. Do you know the purpose of Judge Rutherford, the express purpose—I withdraw that. Do you know that Judge Rutherford ever at any time expressed his purposes in making the criticism of things at the table; did he ever express his purposes?

The Court: Did he ever express it in words?

A. Yes, he expressed it.

Q. What expressions has he made in that regard? A. Well, he has mentioned the fact when he brought things to the attention of the Family, that he couldn't speak to each individual member of the Family in his office; so when he had something to say to the Family, he would do it at the dinner table, when we were all present.

Q. Mention has been made of the 60 hour quota in field service. Did you make that suggestion to Judge Rutherford or who did? A. I don't know who suggested that.

Q. Did you agree to that quota yourself? A. I did.

Q. What is the practice at Bethel after each meal is over, and cleared? Do they remain or what happens? A. They usually leave the dining room immediately, as soon as they are finished eating. Then the kitchen force and dining room force clear the tables and get the tables ready for the next dinner or meal.

Q. How often are studies conducted in the Bethel Home? Are studies conducted there for



the benefit of the entire Family? A. They are. We have the Watch Tower study and a book study and a course on public speaking. Service meetings are held in the halls or unit halls in New York City.

Q. Was there a service meeting conducted at Bethel during 1939? A. I believe there were service meetings conducted in Bethel at that time.

The Court: Do you know?

The Witness: I am not positive. We used to have them in the Family home, but I can't refer the year.

Q. Hasn't the Watch Tower called attention to past doctrines that are found to err and publicly acknowledge them as error?

Mr. Bruchhausen: I object to it unless we have specific instances.

Mr. Covington: I am going to lead to that.

The Court: I will let him answer answer it because it was brought out on cross examination. You may answer.

A. Yes, that is so.

Q. And do you recall any instance at this time where changes have been made?

The Court: And the error was publicly acknowledged, yes.

A. Well, the doctrine of the Ransom was cleared up. We had thought—

The Court: Before you start that, did you publicly acknowledge that the first doctrine was in error, in the Watch Tower?



The Witness: Yes, that has been done several times.

The Court: In this one that you are telling us about?

The Witness: I believe it was.

The Court: All right.

Q. Can you tell of any other?

The Court: You can't think of any other, but your best recollection is it was done several times?

A. It was done several times. I know quotations were taken from various books, then showed the error of that statement.

The Court: It had been done several times, but you don't recollect right here the specific instances?

The Witness: That is right.

Q. Among Jehovah's witnesses, is there a distinction of clergy and laity, or must all Jehovah's Witnesses be ministers of the Gospel, in order to be Jehovah's Witnesses? A. There is no distinction in any of Jehovah's Witnesses. They are all one class, devoted to serving God and they have entered into a covenant with Him.

By the Court:

Q. So they are all ministers? A. They are all ministers.

Q. Men and women? A. Yes.

By Mr. Covington:

Q. And do not the people of good will consti-



tute their congregation or the people whom they serve?

The Court: Objection sustained.

Q. Is the Bethel Family a public family or private family? A. The Bethel family is a private family.

Q. And how does one become a member of the Family? A. Only by filing application and then such application being accepted by Judge Rutherford and he calling them in—or, rather, the president of the Society.

Q. Did you ever hear of Van Sipma publicly lambasted at the table? A. No, I didn't.

Q. Did you ever hear yourself publicly lambasted at the table by Judge Rutherford? A. No, sir.

Q. Did you hear Judge Rutherford publicly lambast Prosser? A. No.

Q. Did you ever hear him publicly lambast Price? A. No, sir.

Q. Publicly lambast Ness? A. No, sir.

Q. You heard the statements made by Mr. MacAulay, did you not? A. Yes, sir.

Q. And also the statements made by Mr. Worsley? A. Yes.

Q. You heard the testimony of Mr. Worsley? A. Yes.

Q. And in that regard your testimony would be substantially the same? A. That is right.

Q. Of what took place? A. That is right.

Q. You heard the testimony of the other defendants as to what Mr. MacAulay said on one occasion in the dining room? A. Yes.



Q. Would your testimony be substantially the same? A. It would be.

Q. What allowance does each member of the Bethel Family receive? A. Ten dollars a month.

Q. Does that include every member of the Family, from the president down? A. Yes, sir.

Q. How many companies of Jehovah's witnesses are there in the United States?

The Court: He said 2500 once.

A. Yes, sir, in 1939.

The Court: 1939?

The Witness: Yes.

Mr. Covington: That is all.

*Recross examination by Mr. Bruchhausen:*

Q. Did you know Mr. Martin? A. Yes.

Q. Do you recall an occasion of your going with a girl at that time which Mr. Martin called to your attention? A. Yes, Mr. Martin spoke to me about it.

Q. Didn't he say that you might be put out of Bethel if you continued to go with the girl? A. No, he didn't.

Q. But you did discontinue going with the girl? A. Yes, but I had no girl. I was friendly with different sisters in the congregation.

Q. You had a particular girl at that time? A. No particular girl.

Q. You had a number of them? A. No, not a number of them. I was friendly with some sisters in the congregation.

Q. Did you spend six months of each year in California? A. No, sir.

Q. Did you spend about six weeks or so in Europe? A. No, sir.

Q. Mr. Rutherford didn't have his office in the factory, in this printing business, did he? A. No, sir.

Q. Everybody but Mr. Rutherford had their offices in the printing factory? A. That is right, except the secretary and the treasurer, and the Bethel servant don't have their offices at the factory.

Q. Mr. Rutherford was the only one that had his office, with his staff, in the Bethel home at Columbia Heights? A. He has been there as long as I ever knew.

Q. He is the only one that had an office there? A. No, sir.

The Court: The treasurer was in the basement?

The Witness: The treasurer has an office there.

Q. On the seventh floor, too? A. No, sir.

Q. In the basement? A. On the floor below the first.

Q. They are the only two that had offices in Bethel, is that right? A. The Bethel servant has, the house manager.

Q. The man who acts as manager of the place? A. Yes.

Q. You mentioned issues of the Watch Tower where corrections were made. You don't recall those issues, do you? A. I don't remember.

Q. The dates of the issues? A. No.

Q. They didn't put them in red ink in the Watch Tower, did they?



The Court: I think that is objectionable.

Q. You stated a doctrine about faithfulness and loyalty to the organization. You mentioned that as the doctrine of the Watch Tower? A. Well, it is. I mentioned, I believe, that that is the thing that holds the Organization together. It is the faithfulness and loyalty to Jehovah and Christ Jesus, His Son and to the brethren.

Q. So, as soon as you write a letter directed to the president and call attention to some things, things you are in disagreement with, you are unfaithful under that, is that right? A. If it is full of lies and false statements, yes.

Q. The person who receives the letter, who is head of God's Organization on earth, determines whether it is true or not? A. Well, he would know if it was true or not, because of the facts that he knows of.

Q. He is the head of God's Organization on earth, the recipient of the letter? A. He was the president of the Society that received the letter.

Q. And he called you all in on August 8th and told you that it was all lies? A. No, he didn't mention it at first. He had the letter read and we made our own expressions.

Q. The president didn't talk to you about this letter between July 21st and August 8th, did he? A. Not to me.

Q. Did you hear the testimony that he showed it to his secretary and her husband? A. Yes.

Q. At that time? A. Yes.

Q. And you were the vice-president at the time? A. Yes, that is right.



Q. So you never heard a word of it, and you were living all the time in Bethel and saw the president every day? A. No, I was off on a vacation.

Q. Were you on vacation between July 21st and August 8th? A. Yes, sir.

Q. The entire time? A. When?

Q. What time did you get back? A. Sunday night, I believe.

Q. How many days was that before the meeting? A. That would have been the 6th of August.

Q. You saw Mr. Rutherford between the 6th and the morning of the 8th, didn't you? A. I am not sure that I did.

Q. Did you get down to dinner? A. Yes, I was at meals.

Q. Did the president call you in and say, "Now, we have received a letter from Moyle"? A. No.

Q. Before the 8th? A. No.

Mr. Bruchhausen: No further questions. Oh, just one more.

Q. What is the percentage of women in this office, Bethel; about ten per cent, would you say? A. Probably so.

Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

The Court: Step down.

(Witness excused.)



WILLIAM E. VAN AMBURGH, residing at 124 Columbia Heights, Brooklyn, New York, called as a witness on behalf of the Defendants, and being first duly sworn, testified as follows:

*Direct examination by Mr. Covington:*

Q. Mr. Van Amburgh, you will have to talk as loud as you possibly can, so that I can hear you, and so that all the members of the jury can hear you and so that counsel can hear you. Bear that in mind on every question. A. Yes.

Q. How old are you, Mr. Van Amburgh? A. I will be eighty next August.

Q. And how long have you been associated with the Watch Tower Bible and Tract Society? A. Since 1896.

Q. Did you know Pastor Russell during his life time? A. I did.

Q. Did you know Judge Rutherford during his life time? A. I did.

Q. What is your position with the Society? A. Secretary-treasurer.

Q. And how long have you served in that capacity? A. Since 1901.

Q. And what position did you have with the Society before that? A. I was a member of the Board in both corporations, first the Pennsylvania corporation, and then the New York corporation.

Q. Before 1901—

The Court: 1901—don't you think that is far back enough? He was elected a member of the Board of Directors in both corporations at the same time.

The Witness: Only one corporation.



The Court: The Pennsylvania Corporation at that time, and then afterwards you became a director of the New York corporation?

The Witness: Yes.

Q. When was the New York corporation formed, if you remember?

The Court: You tell him.

Mr. Bruchhausen: It is all in evidence.

Mr. Covington: It is in evidence, so I will withdraw it.

Q. Where was the Society's office first located? A. In what is known as Alleghany, Pennsylvania.

Q. Is that Pittsburgh? A. It is now called North Side, Pittsburgh.

Q. How long have you been a member of the Bethel Family? A. Since 1901.

Q. Have you been a member of the Family ever since? A. Yes, sir.

Q. During these years, have you traveled as a speaker on appointments by the Society? A. Every year.

Q. You are married, are you not? A. Yes.

Q. Your wife lives with you at Bethel? A. Yes.

Q. Based on your knowledge and association with Judge Rutherford, could you tell what his attitude was towards the members of the Bethel Family at the Bethel table? A. Very solicitous and loving.

The Court: If you wish, I am sure Mr. Bruchhausen will stipulate that he will answer all these questions as the other witnesses did.



Q. I will make this statement: Mr. Van Amburgh, you have heard the testimony of Mr. Franz and Mr. Knorr and others concerning the attitude of Judge Rutherford at the table. Would your testimony be the same on that? A. Yes.

The Court: The reason I say that is that the witness appears to be in a little pain as far as his legs are concerned. So I would like to shorten it.

Mr. Covington: I want to shorten it as much as I can.

Q. You attended the meeting of August 8, did you not? A. I did.

Q. And your testimony would be the same as the other men on that, would it not? A. It would.

Q. You also attended the meeting of September 21, did you not? A. I did.

Q. Your testimony would be the same on that, would it not? A. Yes.

Q. Did you cause to be produced or do you have the minutes of the corporation, the Board of Directors meetings? A. Yes, sir.

Q. I show you a photostatic copy and ask you to please identify that.

The Court: Is that a photostatic copy of the minutes?

The Witness: Yes, sir.

The Court: Photostatic copy.

Q. Is that a photostatic copy of the minutes of the meeting of August 8, 1939 (handing paper to witness)? A. Yes, sir.

Q. Was Mr. Moyle present on the occasion of the things stated therein? A. He was.

Q. And these are now part of the regular minutes of the Society, are they not? A. They are.

The Court: Those aren't, but he took the originals out, and had them photostated, and these are photostats of the original. Is that right?

The Witness: Yes.

Mr. Covington: I will offer the minutes.

Mr. Bruchhausen: May I have an opportunity to look at them over the luncheon recess? I have never seen them before.

Mr. Covington: We offer them now. May we have them marked for identification for the time being?

Mr. Bruchhausen: Mark them for identification. I will take a look at them.

The Court: There is no objection to them yet.

Mr. Covington: I understand that.

(The papers referred to were marked Defendants' Exhibit Number 36 for Identification.)

Q. Mr. Van Amburgh, did you believe the article "Information" expressed the truth? You knew the article entitled "Information"—

The Court: You wouldn't have signed it if—

The Witness: Yes, sir.

Q. The one that was published in the Watch Tower, did you believe that to be the truth? A.



I read it very carefully and signed it as the truth.

The Court: As the truth?

The Witness: Yes, sir.

Q. You have heard the testimony of the other brethren with reference to the matter of smutty and filthy jokes and the glorification of alcohol and those subjects. Would your testimony be the same? A. It would.

Q. Now, Mr. Van Amburgh, reference has been made in the testimony as to the meeting at which some of the members of the Society left in 1918. You were familiar with that meeting, were you not? A. I am.

Q. Were you present on that occasion? A. I was.

Q. Are you familiar with the "Evil Servants"? You know their origin? A. Yes, sir.

Q. Does that refer to one who at one time had been connected with the Society and taken a position in opposition to it? A. Yes.

Q. Will you please tell what this meeting was, and what took place and who participated in it?

The Court: That is the 1918 meeting?

Mr. Covington: Yes.

A. It was an election by the shareholders of the Society for the purpose of electing officers and a Board of Directors.

Q. Are you familiar with the meeting at the Bethel table prior to that—or after that, in 1918, at the Bethel table, where a discussion was had at the Bethel table? A. That was 1917.

Q. In 1917? A. Yes.



Q. Could you tell us what that discussion was and if you participated? A. May I make a little prelude to it?

The Court: Go ahead.

A. (Continuing) The charter of the Watch Tower called for a Board of Directors of seven directors and three officers, the officers to be selected from the Board of Directors. The officers were to be elected annually. The Board of Directors were to hold their offices for life unless vacated for some reason.

The Court: Unless removed?

The Witness: Unless removed, either death or otherwise. And the meeting was held annually every year from 1884, when it was chartered, continually, and the officers were reelected. The Board of Directors would not be reelected, but the vacancies occurring after that would be filled according to the Article 8 in the Charter. That Article 8 provides like this: The organization shall be directed by a president, vice-president, secretary-treasurer, who shall be elected annually, and, in case of vacancies, the vacancies shall be filled by the ballot of the Board of Directors within twenty days; otherwise, after thirty days, the president was to appoint the members. These members were to hold their office until the following annual election, at which time they were to be elected the same as the officers.

A vacancy occurred in 1904, and Mr. J. R. Wright was elected by the officers



and directors; and his office expired in 1905. At the annual election he never was reelected. Therefore, technically, he never was a member of the Board after that.

The same thing occurred in 1908 when Mr. Hoskins was elected to the Board. He never was elected by the shareholders. In 1910 J. F. Rutherford was elected by the Board of Directors as a member. His office expired in 1911. He was not reelected as a member of the Board.

In 1911 another vacancy; and Mr. A. I. Ritchie was elected as a member of the Board and then elected as vice-president. The others had all—the terms of the others had all expired. Therefore, technically, there were only three members of the Board: Mr. Russell, Mr. Ritchie and myself.

This continued until 1916, when Pastor Russell died. That left two members of the Board.

In 1917, at the annual election, Mr. Rutherford was elected as president, Mr. Andrew Pierson as vice-president, and I was elected as secretary-treasurer. That made three members of the Board. Technically, there were no other members on the Board. Shortly after that, trouble began because they were dissatisfied with conditions, I mean, these four others who thought they were directors; and this continued until the trouble got so bad Mr. Rutherford said, "I know what I can do." He didn't tell me what he was



going to do. But this is what he did later: He had the power to appoint these four directors to fulfill the vacancies then existing on the Board.

The Court: As president, he had the power to fill the vacancies?

The Witness: Yes; this he did. On July 17, 1917, he called his Board of Directors to an official meeting at the Bethel; and at the table he announced the appointment—

The Court: Of the four new directors?

The Witness: Of the new directors.

They were very much perturbed; and, shortly after the dinner, shortly after the meal, one of them, Mr. Hirsh, jumped up and said, "I want to state something." He talked for over one hour. Following that, Mr. McGee, the attorney, talked for three-quarters of an hour, and we all sat at the table, not interfering. Judge Rutherford didn't interfere in any way. Following that, there were five or six others; and we stayed there until 5:30 and did not interfere with any one of them. We gave them full opportunity to say anything they wanted to say.

The Court: But they were still no longer directors; the ones he appointed had superseded them?

The Witness: Absolutely, according to the charter.

They continued the disturbance for some time, until Mr. Rutherford ordered them out of Bethel, and when he ordered them



out he gave each one of them $300 to carry on until they could get settled in something else. They continued and then appealed to the shareholders and the general election for 1918. That was the next election. At that meeting there were over 2500 shareholders present, either present personally, or by proxy. The result of that election was that the opponents got about 7 per cent of the electoral vote. In other words—

The Court: 7 per cent of the shareholders voted for them actually or by proxy, and the new directors got 93 per cent?

The Witness: Yes. They said, "This is not the Lord's Organization. We are going to leave this," and they left.

The Court: They had been gotten out of Bethel by Rutherford before that, and now they left Jehovah's Witnesses after the election; is that right?

The Witness: That is right.

By Mr. Covington:

Q. Since that date, has that group organized in opposition to the Society? A. Yes, sir. They have had several organizations.

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Q. Do you know whether or not the Society has designated that group in its publications as an "Evil Servant" class? A. It has.

Q. And are you familiar with the acts and conduct of that group since they left the Society? A. Very little.

Q. Very little. Are you familiar with the statements appearing in the publications of the society with reference to the "Evil Servant"? A. They have been very limited, and I don't know what they are.

Q. You didn't have anything to do with the "Snares" article, did you? A. No, sir, except to read it.

The Court: That is all. You read it when it was published?

The Witness: Yes.

*Cross examination by Mr. Bruchhausen:*

Q. You remember Mr. Hoskins, don't you? A. I do.

Q. Both he and you were members of the Board prior to Dr. Russell's death? A. Yes, he was a member for a year.

Q. You remember Mr. Hirsh? A. I do.

Q. And there were three or four others you remember, who were members of the Board then? A. Yes.

The Court: Is that right, there were three or four others?

The Witness: Four others.

Q. You disagreed with Pastor Russell at times, didn't you? A. I seldom did; not disagreed; but when I had something to say to him, I talked things over.

Q. You were very active in helping to procure the election of Rutherford, as president? A. No, I just voted for him. He was nominated at the regular meeting, and I voted for him.

Q. But you had a lot to do with the prepara-



tions, and what went on before that meeting, in Pittsburgh, in January of 1917? A. Yes, I did.

The Court: You were for his election?

The Witness: Yes, sir.

The Court: You voted for his election?

The Witness: That is right.

Q. Russell had died very shortly before that? A. October 1916.

Q. And then, from that time on, there was quite a commotion for the election of Rutherford, was there not? A. Not that I know of.

Q. Don't you know, just before the election of Rutherford, that he had arranged to borrow $1,000? A. No, sir.

Q. Do you recall that? A. No, sir.

Q. To go out and start practicing out West?

The Court: He says, "I don't know."

The Witness: I don't recall that.

Q. You don't recall that? A. No.

Q. But you know that he was going to leave to go out west? A. I don't recall that.

Q. Out to California? A. I don't recall.

Q. You know that Russell had laid down the policy that if anything happened to him he wanted the Board of Directors to run that organization, and not one-man rule. A. Yes, sir.

Q. And that that was mentioned in his will? A. Yes, sir.

Q. And you know that in this convention of January, 1917, that was the first time that Rutherford came along with a new by-law to give him sole authority over the organization? A. The by-laws were passed and they are on record.



By the Court:

Q. Was that the first time a by-law was passed? A. Oh, no.

Q. Giving Rutherford full authority? The former president had the same authority? A. Yes.

Q. Has there been a by-law for the former president? A. I don't recall whether there was a by-law or not.

By Mr. Bruchhausen:

Q. Don't you know that Mr. Rutherford came to that convention with the by-law, that the by-law had been prepared by Rutherford before they got to the convention? A. I think he did.

Q. You were familiar with the by-law before you went to the convention? A. I don't think I was.

Q. And you know this is the by-law (indicating paper)? Let me see if you remember it. A. I know the by-law.

(Paper handed to witness.)

The Court: Don't read it.

Mr. Bruchhausen: Just let him see it.

Q. See if that part in black, not in red, is the by-law that Rutherford brought to that convention?

The Court: The part in black, just the black.

Q. Just the part in black.

Mr. Covington: That is just a part.

Mr. Bruchhausen: I may ask him about that one.

A. Yes.



The Court: The part in black is the by-law, is that right?

The Witness: Yes.

Mr. Bruchhausen: I offer that part in black in evidence.

Mr. Bruchhausen: Both of these papers have been produced by the defendant's attorney.

Mr. Covington: I had them prepared and produced them for Mr. Bruchhausen.

By the Court:

Q. Does this have something to do with it (indicating on paper)?

Mr. Covington: It is part of the entire resolution.

A. Yes, sir.

Mr. Bruchhausen: I offer that. I think the part has been identified that I offered.

The Court: Show it to Mr. Covington.

Mr. Bruchhausen: I just want to offer that. We will come to the rest of it later.

Mr. Covington: If your Honor please, we have no objection to this by-law, but we think the entire thing should go before the jury.

The Court: He has testified that only the black part was part of the by-law. I will permit you to ask him a question:

Mr. Bruchhausen: May I have my examination, and if counsel has anything to ask, why, he may do it later. I want to follow through with some continuity to the different papers here.



The Court: I won't take it in evidence without giving counsel for the defendants a chance to ask this witness a question, if he wants to.

Mr. Bruchhausen: I don't see how I can connect this without having the witness identify, as he has, this by-law.

The Court: He has identified it. There is no doubt in my mind about that.

Mr. Bruchhausen: And that was a by-law that was passed at the Pittsburgh convention.

The Court: He says that is the by-law.

Mr. Bruchhausen: Then I think your Honor should have at least that on the record, to show what was passed at that convention.

The Court: The jury has the full testimony before them. There isn't any doubt about it.

Mr. Bruchhausen: May I read it into the record, then?

The Court: Not without the defendant having an opportunity to ask a question if he wants to. If you want to ask a question, go ahead and ask one, Mr. Covington.

Mr. Bruchhausen: I submit that I should be allowed to proceed with the examination.

The Court: You may have an exception; but I am giving him permission to ask a question on whether or not he wants to object to the admission of the first part of that, which has been described as the part written in black ink.



By Mr. Covington:

Q. Mr. Van Amburgh, is the part that appears here in red type also a part of that by-law? A. It is.

By the Court:

Q. What was the by-law, the whole thing or the part in black or the part in red? A. The whole thing is the by-law. The whole thing. There were several by-laws passed.

Q. Was the whole thing, or just the black part? A. The whole thing, black and red.

By Mr. Bruchhausen:

Mr. Bruchhausen: Then I call on the defendant to produce the original minutes of the meeting at Pittsburgh in January, 1917, and also that part of the by-laws which refer to any Advisory Committee.

Mr. Covington: I don't know about the advisory committee, but I will give you the by-law and try to find the one you mention, about the Advisory Committee.

Mr. Bruchhausen: The reason why—

The Court: No discussion. Have you the by-law here?

Mr. Covington: Yes.

The Court: Show it to counsel for plaintiff.

Mr. Bruchhausen: If I may point this out—

The Court: Please.

Mr. Bruchhausen: I am not arguing about it, but I want to point out for the record that here is mention in this part in red about the Advisory Board, and

in none of the papers that have been submitted to me by defendants' counsel, is there anything about the Advisory Board. Or I will amend that request. I will modify that request and ask counsel to submit to me the report of the Committee on By-laws that was appointed at this Pittsburgh convention.

Mr. Covington: Here is the entire thing right here, the whole thing. I will tender it to counsel (handing papers to Mr. Bruchhausen).

The Court: Do you wish to question the witness further at this time?

Mr. Bruchhausen: I would like to examine these papers, if I may. Yes, I would like to question the witness, because there is something more to this.

The Court: I will give you the opportunity, then. I didn't want to call the gentleman back because of his years, but—

Mr. Bruchhausen: I appreciate that.

The Court: I am not complaining. You both have your jobs to do.

Mr. Bruchhausen: I would be happy to make this suggestion, to even delay his examination for several hours, and let us go ahead.

The Court: No, it won't be delayed for several hours. We will take an adjournment now. Come back at two o'clock. Don't talk about the case.

(Whereupon, an adjournment was taken until two o'clock P. M.)



AFTERNOON SESSION.

Two o'clock p. m.

(Trial resumed.)

WILLIAM E. VAN AMBURGH, resumed.

Mr. Bruchhausen: If the Court please, the defendant at the last session offered in evidence the minutes of August 8th—

The Court: They were offered for identification, Exhibit D-36 for identification.

Mr. Bruchhausen: I have no objection to the offer of them in evidence.

Mr. Covington: We offer them in evidence.

The Court: They are now in evidence by consent.

Mr. Bruchhausen: Well, I have no objection to them.

The Court: You have no objection to them. It now becomes Defendants' Exhibit 36 in evidence.

(Defendants' Exhibit D-36 for identification received in evidence and marked Defendants' Exhibit D-36.)

Mr. Bruchhausen: The defendants have offered in evidence the by-laws of the Pennsylvania corporation, and I have no objection to their introduction into evidence.

The Court: I do not know that they have offered them.

Mr. Covington: We have not offered them. Counsel was inquiring of the witness regarding them, and I handed to him a copy of the complete by-law.

The Court: Do you want to offer them in evidence?

Mr. Bruchhausen: I have no interest in all of them. I am willing to [illegible] in evidence—

The Court: You mean you do offer [illegible] evidence.

Mr. Bruchhausen: There is no point in offering all these by-laws. I offer the resolution attached to the by-laws and sections 2 and 3 of the by-laws.

The Court: He is offering the resolution and sections 2 and 3 of the by-laws.

Mr. Covington: We have no objection to them, your Honor, and we would like to have permission to have copies made. These are the originals.

The Court: I do not think you have to do that. Suppose Mr. Bruchhausen reads them to the jury, and we will dispense with making a copy, because, out of consideration for the jury and everybody else, I am going to finish the evidence here today no matter what time we sit to.

Mr. Bruchhausen: I will do my part, your Honor.

The Court: I am not asking anybody to hurry, but I am going to sit here until we finish the evidence.

Mr. Bruchhausen: "Pursuant to the terms of the charter of this corporation, and its by-laws, the annual meeting of the shareholders of the WATCH TOWER, BIBLE





& TRACT SOCIETY was held at Carnegie Hall, N. S. Pittsburgh, Pennsylvania, Allegheny County, on the first Saturday of January, to wit, the 6th day of January, 1917. The meeting was called to order at 10:30 A. M. by Vice-President, Brother A. I. Ritchie. He stated that the object of the meeting was for the election of a President, Vice-President, and a Secretary-and Treasurer for the ensuing year. He made very appropriate remarks concerning our former President, Brother C. T. Russell, and the great work which the Lord had been carrying on through him; and felt assured that the Lord would continue the work and continue His blessing upon those whom he might select for such work for the coming year. He also stated that it would be proper for the chair to appoint a committee on by-laws and resolutions, and would therefore appoint Brothers I. I. Margeson of Boston, A. W. Ostrander of Cleveland, Ohio, and R. H. Bricker of Pittsburgh, Pa. As it would take some time for the committee to prepare their report, he suggested that the meeting adjourn until 4 o'clock in the afternoon, at which time the committee would make its report. In the meantime the friends would have the privilege of attending the convention, which had been arranged for at the same place and afternoon.



"The adjourned meeting was called to order shortly after 4 o'clock; and the committee on by-laws and resolutions presented the following:

"RESOLUTION

"WHEREAS, the WATCH TOWER BIBLE & TRACT SOCIETY was formed for the purpose of teaching the Bible by oral sermons and lectures and various publications, and is maintained by the voluntary contributions made by many persons; and

"WHEREAS, we recognize the necessity and importance of using our consecrated talents to the best advantage that we may render a proper account of our stewardship to the Lord:

"Now therefore, resolved by the voting members of said Society, in annual meeting assembled, that recommendations be made to the Board of Directors and officers in charge of the work of our Society, and that such recommendations be carried out, if possible, in harmony with the spirit of the Lord, namely:

"First: That it is the sense of the voting members of this Society that its work should be kept on a basis of strict efficiency, and that no one be employed, kept or maintained at the Society headquarters who is unable or unwilling to render efficient service under the direction of the Board or officers having the management and responsibility of the Society's work.



"Second: That those properly in charge of the affairs of the Society at its headquarters ascertain if there are any person or persons who are kept or maintained there and who are unable or unwilling to render efficient service, and that those only be invited to remain who are able and willing to render such efficient service; except, however, the Society may with propriety keep, maintain and support the wife, children or other dependent ones who are unable to render efficient service, who are dependent upon a brother who is giving all of his time and efforts to the work of the Society under the direction of its proper officers or management.

"Third: That Pastor Russell's expressed wish for the conducting of the Society's affairs be carried out as far as deemed possible by the officers of the Society."

"By Laws

"Section II. An Advisory Committee, composed of three members of the Society shall be appointed by the President of this Society, which shall be subject to change by the President once every three months, their tenure of service being three months, or until the President appoints their successor or successors. The person holding the office of Secretary and Treasurer shall always be a member of said Advisory Committee. It shall be the duty

of said Advisory Committee, from time to time whenever requested by the President, to consult and advise with the President concerning the work and affairs of the Society.

"Section III. The President of this Society shall always be the executive officer and general manager of this corporation, having in charge the management of its affairs and work, both in America and in the foreign countries; but he shall, from time to time, consult with the members of the Advisory Board concerning the work and affairs of the Society. The President shall make report to the Board of Directors, from time to time upon request, concerning any matter touching the Society's work which the Board may desire to hear."

*Cross-examination by Mr. Bruchhausen* (continued):

Q. Mr. Van Amburgh, you at times did oppose and criticize Pastor Russell, did you not? A. Not criticize.

By the Court:

Q. Did you criticise? A. Not always.

Q. Sometimes? A. Sometimes.

By Mr. Bruchhausen:

Q. You have been in court every day during this trial, have you not? A. Yes, sir.

Q. All day long? A. Yes, sir.

Q. You recall this provision in Pastor Russell's will: "My object in these requirements is



to safeguard the committee and the journal from any spirit of ambition or pride or headship. In the event of my death, the Board of Directors will come forward"? A. Yes, sir.

By the Court:

Q. Do you remember that in Pastor Russell's will? A. I do.

By Mr. Bruchhausen:

Q. The by-laws that I have just read were the ones that were brought to the convention in Pittsburgh on January 17, 1917, by or on behalf of Mr. Rutherford? A. Yes, sir.

Q. And for several months preceding that convention, there had been considerable activity for the election of Mr. Rutherford? A. Not that I know of.

Q. Didn't you participate in those efforts at that time? A. No, sir.

By the Court:

Q. Did you lend your efforts to the election of Mr. Rutherford? A. No; just my vote.

Q. You did not do anything before that? A. No electioneering, no, sir.

By Mr. Bruchhausen:

Q. You knew, did you not, Mr. Van Amburgh, that Mr. Rutherford was a candidate for that office of president? A. No, sir, I did not.

Q. You resided at Bethel at that time, didn't you? A. I did.

Q. And Mr. Rutherford did? A. Yes, sir.

Q. And he had been a member of the board



with you for how long at Bethel prior to 1918? A. From 1917 when he was elected.

By the Court:

Q. One or two years? A. One year.

By Mr. Bruchhausen:

Q. You recall, do you not, in 1918 there was considerable discussion about one Mr. Johnson? A. Yes, sir.

Q. And Mr. Rutherford was opposed to him, was he not? A. Not necessarily.

Q. Wasn't there some disagreement between Mr. Johnson and Mr. Rutherford? A. If you will give me two or three minutes, I can explain it to you.

By the Court:

Q. Was there a disagreement between Mr. Rutherford and Mr. Johnson? A. Mr. Johnson assumed too much authority.

Q. He wants you to tell him whether there was a disagreement. A. To that extent.

By Mr. Bruchhausen:

Q. You recall, don't you, Mr. Van Amburgh, after the meeting in Pittsburgh in January, 1917, that there was a meeting of the Board of Directors in June of 1918—I will withdraw that question. After the convention in 1918 when these by-laws were produced— A. These by-laws were produced in 1917.

Q. You are correct. After that meeting in Pittsburgh, do you recall that there was a meeting in Brooklyn of the directors where the directors had brought forward a motion to rescind



the by-laws that had been passed at the request of Mr. Rutherford earlier that year? A. I don't recall. If it was, it should be in the minutes.

Q. You know, don't you, that there was some opposition on the part of the directors against those by-laws? A. The so-called directors.

Q. You call them so-called directors because there was some statement made that they were not residents of Pennsylvania, is that correct? A. Yes, sir.

Q. And also because you claim that there was no election had of them? A. No election by the voters.

Q. Don't you know that Mr. Rutherford never had been elected himself by the shareholders? A. Prior to 1917, that is right.

Q. So he was an illegal director under that provision all the time that he served on the board prior to 1918? A. No, sir; from 1911 to 1917, he was not a legal director.

Q. That was all during the time that Mr. Russell was alive? A. Yes, sir.

Q. And he never mentioned at any of the board meetings that he felt that he was illegally in as a director? A. He took this up with Pastor Russell.

By the Court:

Q. When? A. I don't know. He told me.

By Mr. Bruchhausen:

Q. But it was not mentioned at any board meeting that he felt that he was an illegal director? A. No.

Q. So the first time that any mention was made in that connection about the illegality of the



election of directors was after the Pittsburgh Convention in 1918? A. Yes, sir—1917.

Q. And the first time that any such illegality was mentioned was after the directors sought to rescind these by-laws? A. The supposed directors, yes, sir.

Q. You recall that the supposed directors, as you call them, met together and attempted to rescind those by-laws? A. I don't recall that.

Q. Don't you know at that point that Mr. Rutherford then asked for an adjournment of the meeting for a month? A. I don't recall.

Q. And he went out to see a Pennsylvania lawyer about it? A. I know he consulted a lawyer.

Q. And don't you know that he came back after a month and said that he had determined that the four directors who were opposed to these by-laws and wanted to rescind them were illegally appointed? A. His lawyer said that, yes, sir.

Q. And they then refused to permit the directors to rescind the by-laws? A. I don't recall that.

Q. You were present at that meeting? A. I don't recall it.

Q. And don't you recall following that meeting that Mr. Rutherford made an announcement before the Bethel Family to this effect: "My authority in this house has got to be obeyed, and you will all get out of the house by Monday noon. Brother Johnson will get out today." A. Yes, I recall that.

Q. And what he meant by those having to get out of the house were the four supposedly illegal



directors? A. Yes; Ritchie, Hoskins, Hirsch, and one other.

Q. They were subsequently ousted from Bethel? A. They were sent out and given $300 each for expenses.

Q. But they were let go out of Bethel? A. Yes, sir.

Q. Don't you recall that between the meeting in June when the directors asked for a rescission of the by-laws and the adjourned meeting in July, that they had to call the police? A. I don't recall.

Q. And don't you know the police were called to prevent the four supposed illegal directors from getting into Bethel? A. No, sir, I don't recall that.

Q. You lived at Bethel at that time, didn't you? A. I did.

Q. And don't you recall this: That you went to this convention in August of 1917 at Boston, didn't you? A. I did.

Q. And Mr. McGee and Mr. Pearson were there? A. Yes, sir.

Q. And Mr. Pearson was the vice president? A. He was.

Q. And he was one of the so-called illegal directors, was he not? A. No, sir.

Q. He was one of the proper directors? A. Yes, sir.

Q. And do you recall him saying to you at that convention: "We never had a satisfactory report from the treasurer since I have been a director"? A. I don't recall that. He may have said it.

Q. "And where is the amount of $100,000 borrowed for the drama work?" A. No, sir.

Q. Do you recall whether or not that was said? A. I don't recall it was said.

Q. And then you recall there was a petition signed by some 150 members asking for an investigation of this situation? A. Yes, sir. I have a copy of it.

Q. As to the by-laws? A. Yes, sir.

Q. And you remember Mr. F. G. Mason? A. Yes, sir.

Q. He was auditor of the Society? A. No, sir.

Q. Wasn't he serving in some capacity? A. He was in the shipping department.

Q. Didn't he have something to do with checking up the funds? A. Nothing except the freight bills.

Q. Don't you recall his writing a letter to Bethel in August, 1917, no [illegible] I have just referred to wherein he said: "I fail"—

Mr. Covington: This is manifestly hearsay, if your Honor please.

The Court: Ask him if he recalls and show him what you have in your hand.

Q. Do you recall this letter (handing to witness)? A. No, I don't recall reading that letter except it was printed in here (indicating). I saw a copy of the printing.

By the Court:

Q. But you don't recall the letter? A. No, I don't recall the letter.



By Mr. Bruchhausen:

Q. Mr. Van Amburgh, do you recall when, if ever, the by-laws of the Society were changed prior to these changes suggested by Mr. Rutherford in January, 1917? A. May I make a statement?

The Court: No. Were the by-laws changed before then?

The Witness: No, they were not.

Q. So that was the first change in the by-laws? A. Yes, sir.

Q. You have mentioned, have you not, something about the Pastoral group? A. No.

Q. You know that there was a Pastoral group organized, don't you? A. There was a group, the V. D. M.,—is that [illegible] you mean?

Q. Did you ever hear the word "Pastoral"? A. I have heard of it.

By the Court:

Q. Pastoral Bible Institute, have you ever heard of that? A. Yes, afterwards.

By Mr. Bruchhausen:

Q. That was organized not very long after these events [illegible] 1918 which we have just referred to? A. Yes, following the 1918 election.

Q. And wasn't that organized or started by some of those directors who had served under Pastor Russell? A. I [illegible] so.

Q. And that same Pastoral had some connection with Pastor Russell? A. Yes, sir, I suppose so.



Q. And they had contended that the doctrines of Pastor Russell were not being carried out, is that correct? A. Yes, sir.

Q. And when they went out of this organization, they were described as evil servants, were they not? A. Yes, sir.

Q. And also wasn't the term "murmurer" used? A. I don't recall.

Mr. Bruchhausen: That is all.

*Redirect examination by Mr. Covington:*

Q. (Counsel hands book to witness.) A. Yes, sir, I recognize it.

Mr. Covington: We offer in evidence the three receipts showing the statements of these parties, Ritchie, Hoskins and Wright.

The Court: Show it to Mr. Bruchhausen.

(Papers handed to Mr. Bruchhausen.)

Mr. Bruchhausen: No objection.

The Court: May I just tell the jury that there are three receipts here, each for $300?

Mr. Covington: Yes, and it shows "As per arrangement."

The Court: It reads—one of them is signed by Ritchie, one of them is signed by Hoskins and one of them is signed by Wright. They are all dated August 8, 1917. "Received from Watch Tower Bible & Tract Society $300 for the defraying of our expenses as per arrangement with the officers of the Society, viz., the president,



vice president and treasurer." And each of them is signed in the handwriting of the person. Is that sufficient?

Mr. Covington: That is right, your Honor.

Now I want to offer this resolution of July 17, 1917.

Mr. Bruchhausen: Let me look at it.

Mr. Covington: And I want to offer Section 1 of that same by-law that you read.

Mr. Bruchhausen: No objection.

The Court: Suppose you read it.

Mr. Covington: "Section I. Each person contributing to the funds of the WATCH TOWER BIBLE & TRACT SOCIETY, and who is in full harmony with the work and teachings of said Society, shall be entitled to one vote for each ten dollars so contributed: provided that no credit on voting shares will be given for any sum less than ten dollars, unless at the time of such contribution the Secretary is informed that the contribution is part of the 'Good Hopes' of such contributor for the current year. At the time of such contribution the contributor shall have the right to have a voting share or shares, issued to himself or any one else who is also in full harmony with the teachings and work of said Society.

"Any person whose address is unknown to the Society for a continuous period of two years shall be considered as having ceased to be a voter, and such name shall be dropped from the list of voters.

"Any person who has contributed money



to this corporation and who is therefore entitled to a voting share or shares therein, and who afterwards becomes an opponent to said Society, or out of harmony with its purposes and work, particularly with reference to the presence of the Lord and the establishment of his Kingdom of righteousness, as taught by the Bible and the publications of said Society, shall thereby cease to be a voting member of this corporation, and shall have no right to cast any vote or votes at any election or other meeting held by the Society.

"No person who is the holder of voting shares in this Society shall have the right to transfer the same by assignment, or deed or will. The words contained in the charter, viz., "or his assigns", are construed to mean that the shareholder, at the time of making contribution or having the voting shares issued by the Secretary, shall have the right to have the same issued to himself or to any person to whom he may assign such right at the time, within the meaning of the preceding paragraph of this section. The right to cast a vote is a personal right which ceases with the death of the person."

By Mr. Covington:

Q. Mr. Van Amburgh, I show you two pieces of paper (handing to witness). Will you identify them?

Mr. Bruchhausen: I object to these minutes (indicating).



The Court: Wait until we finish this first.

A. Yes, sir.

By the Court:

Q. What are these? A. They are verified copies of two meetings of the Board of Directors.

Q. One dated June 11, 1930, and the other dated April 18, 1928? A. Yes, sir.

Mr. Covington: At this time we offer in evidence these copies of the meetings.

The Court (addressing Mr. Bruchhausen): Do you want to look at those a minute?

Mr. Bruchhausen: Yes. I wanted to make an objection to the previous offer of the minutes or alleged minutes of July, 1917, on the ground that they do not state the whole story, nor do they state it correctly, and they are not made up by us or anyone on our behalf. They are made up by the secretary of the company who was a witness here.

Mr. Covington: It pertains to the discharge of those men.

The Court: May I see it?

(Papers handed to the Court.)

Mr. Bruchhausen: And may I also object to these two—

The Court: Do you mind waiting a minute?

Mr. Bruchhausen: Pardon me.

The Court (addressing Mr. Covington): You are just offering the resolution?

Mr. Covington: Yes, your Honor.

The Court: Not the other things after the resolution.

Mr. Covington: I don't recollect what followed it.

The Court: You are offering down to where it says, "J. F. Rutherford, President of the Watch Tower Bible & Tract Society"?

Mr. Covington: Yes.

The Court: Objection overruled, we will take it.

Mr. Bruchhausen: Exception.

The Court: And once again I will ask you to read it to the jury and then give the stenographer a chance to copy it. Exception to the plaintiff.

Mr. Bruchhausen: I also object on the ground that it is a self-serving declaration.

The Court: You can read that after the witness has left the stand. Now we have another offer that is objected to.

Mr. Bruchhausen: I object to these on the same grounds I have stated. They are a self-serving declaration, incompetent, irrelevant and immaterial, and not binding on the plaintiff.

Mr. Covington: May it please your Honor, they relate to two individuals about whom inquiry was made concerning their being removed from Bethel.

Mr. Bruchhausen: I know, but we have no chance of cross-examining these people.

The Court: Objection sustained as to



these two. They may be marked for identification.

(The papers referred to were marked Defendants' Exhibit D-37 for identification and Defendants' Exhibit D-38 for identification.)

Mr. Covington: That is all of this witness.

*Recross examination by Mr. Bruchhausen:*

Q. Mr. Van Amburgh, after the meeting in July, 1917, when the four directors were told they were illegal, there was a meeting in the Bethel dining room subsequent to that where Mr. Rutherford presided and commented about those directors, didn't he? A. The meeting took place in the forenoon—

By the Court:

Q. Do you remember such a meeting at the dining table? A. The same day.

By Mr. Bruchhausen:

Q. And Mr. Rutherford was very much upset about this situation, wasn't he? A. I never saw Mr. Rutherford upset, but I have seen him stern.

Q. Wasn't he excited? A. No, sir.

Q. And didn't he in so many words order these directors out of Bethel? A. He told them to evacuate in a certain time. I think he gave them a week ahead.

Q. And he ordered Mr. Johnson out the same day? A. I think so. I don't recall that.

Q. And didn't he have guards posted at the



doors so that Johnson would not return? A. I don't know.

Q. Didn't he shout at that meeting? A. No.

Q. And didn't he grab Johnson? A. I didn't see him.

Mr. Bruchhausen: That is all.

By Mr. Covington:

Q. Was Mr. MacMillan and any other persons up for consideration as candidates for the presidency during 1917? A. The only one I heard mentioned was A. P. Ritchie, who was vice president.

Mr. Covington: That is all.

Mr. Bruchhausen: That is all.

The Court: Now, if you want to read that—

Mr. Covington: Yes, I will do that.

"Pursuant to the call of the President, J. F. Rutherford, for a meeting of the Board of Directors of the WATCH TOWER BIBLE & TRACT SOCIETY, to be held at the Bethel Home, 9:30 A. M., July 17th, the following members were present: Bros. J. F. Rutherford, A. N. Pierson, W. E. Van Amburgh, A. H. Macmillan and George H. Fisher, W. E. Spill and J. A. Bohnet. The President called the meeting to order. Prayer by Brother Van Amburgh.

"The President stated that he had inquired of Bro. A. I. Ritchie if the date of July 17th would be convenient for Bros. Ritchie, Wright, Hoskins and Hirsh, and



was informed verbally that the 17th would be acceptable and, probably, a preferable date. Written notices had then been sent by mail to Bros. A. I. Ritchie, I. F. Hoskins, J. D. Wright and R. H. Hirsh; but he had a written statement from Bros. Ritchie, Hoskins, Wright and Hirsh that they would not attend the session on that date.

"The President then stated that peculiar conditions had arisen which had made necessary certain action upon his part. He also submitted legal brief from an eminent authority and the Articles of Incorporation of the WATCH TOWER BIBLE & TRACT SOCIETY and of the PEOPLES PULPIT ASSOCIATION; also referred to statements made by various brethren to him personally. He further stated that, acting under the authority conferred upon him by the charter of the WATCH TOWER BIBLE & TRACT SOCIETY and the laws of Pennsylvania, he read the following:

'WHEREAS, the charter of the WATCH TOWER BIBLE & TRACT SOCIETY, a corporation existing under the laws of Pennsylvania provides for a board of directors consisting of seven members, three of whom the law requires shall be residents of Pennsylvania; and

'WHEREAS, there is now, and for more than six months has been, only three members of said Board of Directors, to wit, J. F. Rutherford, President, A. N. Pierson, Vice President and W. E. Van



Amburgh, Secretary and Treasurer, who were elected to their respective offices by the shareholders at the annual meeting thereof held according to law in Allegheny County, Pennsylvania, January 6, 1917, and who, by virtue of their said election and the terms of said charter, are members of the Board of Directors; and

"'WHEREAS, A. I. Ritchie, J. D. Wright, Isaac F. Hoskins and R. H. Hirsh, who have assumed to act as members of said Board of Directors, are not in law nor in fact members of said board, but that there is now and for a long time has been four vacancies on said Board of Directors; and

'WHEREAS, the charter of said corporation provides, that where a vacancy occurs in said Board of Directors the remaining members thereof may within twenty days thereafter meet and fill such vacancy, and failing to do so for a period of thirty days then the duty and obligation devolves upon the President of the corporation to appoint some suitable person or persons to fill such vacancy or vacancies; and

'WHEREAS, there are now four vacancies on said Board, as aforesaid, which vacancies have existed for a period of more than thirty days and the remaining members of said Board of Directors have not filled such vacancies;

'NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS, that I, J. F. Rutherford, President of said WATCH TOWER BIBLE &



TRACT SOCIETY, by virtue of the power and authority conferred upon me by the charter of said corporation and of the laws of the commonwealth of Pennsylvania, have appointed, and by these presents do hereby appoint the following named persons, at least three of whom are residents of the state of Pennsylvania, to fill such vacancies on said board of Directors, to wit: W. E. Spill, of Pittsburgh, Pa., J. A. Bohnet, of Allegheny County, Pa., George H. Fisher, of Scranton, Pa., and A. H. Macmillan of Brooklyn, N. Y., as members of said Board of Directors, each to hold office as provided by the charter of said corporation and the laws of Pennsylvania.

'Given under my hand at Pittsburgh, Allegheny County, Pennsylvania, this 12th day of July, A. D., 1917.

J. F. Rutherford,
President of Watch Tower Bible & Tract Society."

Mr. Covington: At this time I would like to read some other exhibits, your Honor.

The Court: You may. That was your last witness?

Mr. Covington: Yes, your Honor.

I am reading Exhibit D-33. It is dated June, 1939.

(Mr. Covington reads Defendants' Exhibit D-33 to the jury.)

Mr. Covington: Now I am reading a

portion of the Bethel rules which I marked, your Honor.

The Court: What exhibit number is that?

Mr. Covington: This is Exhibit D-29.

(Mr. Covington reads from Defendants' Exhibit D-29 to the jury.)

Mr. Covington: At this time I will read Defendants' Exhibit D-36.)

(Mr. Covington reads Defendants' Exhibit D-36 to the jury.)

Mr. Covington: I now desire to read the article entitled "Snares."

The Court: That is quite long. Do you want to sit down?

Mr. Covington: I thank you very much, but I will stand up a while, if you will permit me.

The Court: Any time you want to sit down, please do so.

(Mr. Covington had read the greater part of the article "Snares" to the jury when the following occurred:)

Mr. Bruchhausen: If your Honor please, may I interrupt? I have some witnesses here on rebuttal, I had no idea that this would take so long.

The Court: Do you have much more to read, Mr. Covington?

Mr. Covington: There are just about eight more paragraphs, nine more paragraphs, your Honor.

The Court: How many pages?

Mr. Covington: About two pages.



The Court: Well, have you finished one paragraph now?

Mr. Covington: Yes, I have.

The Court: Are these witnesses in a hurry?

Mr. Bruchhausen: I have a Major from the Army Intelligence Service, Major Wheless. I would like to get him away.

Mr. Covington: We have no objection to putting the witness on.

The Court: That is very nice of you. You can continue reading the article later. The defendant rests?

Mr. Covington: Defendant rests. We rest. I was going to announce that when I got through reading.

The Court: In order to call him in rebuttal, I have to have that.

Mr. Covington: Yes.

The Prospective Witness: I will affirm, under the Statute.

The Court: Very well.

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JOSEPH WHELESS, residing at 780 Riverside Drive, New York City, called by the Plaintiff, in rebuttal, being first duly affirmed, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. What is your occupation, Major Wheless? A. I am a lawyer, sir; a lawyer.

Q. Are you now specially occupied in some service? A. I have retired from active practice



about two or three years ago, and I am now in the Government service.

Q. What is your occupation there? A. I am in the—

By the Court:

Q. Is it confidential? A. Why, yes, Judge.

Q. You are confidentially employed by the United States Government? A. Yes. I do work, I might say, in the Spanish and Italian languages.

The Court: You don't have to say anything, if it is confidential.

By Mr. Bruchhausen:

Q. And you were formerly a Judge-Advocate in the Army, were you? A. In the United States Army, yes; in the other War.

Q. You acted as an attorney in connection with some defendants in the Magistrate's Court in a case arising out of the Madison Square Garden disturbance; do you recall that? A. Oh, yes, I recall that. I might say that my services to the Jehovah's Witnesses, however, antedated —several years before.

By the Court:

Q. We are talking about this particular case. You represented the defendants in the Magistrate's Court hearing arising out of the Madison Square Garden incident? A. Yes, I was present at that hearing.

The Court: He says he was present at that hearing.



By Mr. Bruchhausen:

Q. Had you been asked by Mr. Rutherford or someone on his behalf to represent some defendants in that case? A. Yes.

Q. What part did you take in the trial of that case? A. I was—

The Court: You were the trial lawyer?

The Witness: Yes.

Q. Did you have full charge of the case? A. Yes, except I was associated with Mr. Moyle, who later took part in the case.

Q. Who examined the witnesses in that case? A. I did, all morning.

Q. You put in evidence, do you recall, some statement by Mr. Heath? A. Yes, I recollect that.

Q. And was that statement beneficial to the defendant?

Mr. Covington: That is a conclusion.

The Court: Objection sustained.

Q. But you, as a lawyer acting for the defendants, decided to put in that statement: did you not? A. I did, yes.

Q. Then do you recall a man by the name of McDonald? A. Yes, I remember that chap.

Q. He represented a party to the proceeding whose name was Auffant; do you recall that? A. Yes, I remember him.

Q. Do you recall any incident in or about the court room where Moyle or you talked to Mr. McDonald? A. Why, for a few moments during the recess. We met in the hallway outside the court room, and had a few words.



Q. Had you ever met McDonald before that? A. No.

Q. But you found he was the attorney in the case, is that right? A. Yes, he was attorney for some of the complainants.

Q. Do you recall what you said out in the hall on that occasion or what anybody said? A. Not a word.

The Court: He does not recall. Is that what you say?

Q. You don't recall a word? A. We had a little talk.

Q. It was just an intermission in the proceedings, is that right? A. Yes, that's it.

Q. And then what happened as to your continuation in the case? A. You mean the incident in the afternoon?

Q. Well, may I ask you this: Do you know Bonny Boyd, who is now known as Mrs. Heath; do you know her? A. I am sorry. I don't understand you.

The Court: Did you know Bonny Boyd, who is now Mrs. Heath?

The Witness: I have a very casual acquaintance with her. I met her probably at the—

Q. Did you see her in the court room on that day? A. No, I didn't. I don't know if I would recognize her if I saw her now. I understood that she was there.

Q. Did you continue to try the case? A. No. At lunch time Mr. Moyle and I were together and he said that he was very sorry to have to



make such a statement to me, but that he has gotten word from Judge Rutherford that I would be dispensed with and he, Mr. Moyle, would continue.

The Court: The easiest thing to fire is a lawyer.

The Witness: Oh, sure. Sometimes they don't get paid.

Q. Was Mr. Rutherford in court? A. No, he wasn't in court.

Q. Who informed you that your services were dispensed with? A. Mr. Moyle told me at lunch, very regretfully. He said that he had gotten word from Judge Rutherford that I was to be discharged, dispensed with, and that that information on which Judge Rutherford—or misinformation on which Judge Rutherford acted, came from this lady, Mrs. Heath.

Q. So you no longer took any part in the case after that? A. Not at all. I was out.

Q. And you were paid by Mr. Rutherford for your services in the case, were you not? A. Well, I don't consider it as any good pay; but I was paid something yes.

Q. You had previously done some legal services for Mr. Rutherford, had you not? A. Yes, beginning in 1916,—in 1936.

Mr. Bruchhausen: That is all.

*Cross-examination by Mr. Covington:*

Q. Who introduced you to Judge Rutherford? A. Why Mr. Moyle, I assume.

Q. Well, under what circumstances? A. All

right, I will tell you the story. Early in July of 1936 a gentleman came into my office and introduced himself as Mr. Moyle of Jehovah's Witnesses outfit, and said that Judge Rutherford had sent him over there to consult me in regard to bringing a law suit in Philadelphia.

Q. Yes. A. And I was employed to prepare two suits—went to Philadelphia with him—one in the State's Court, and the other in the Federal Court. And that was the day that the Franco revolution broke out in Spain. That was July, 1936. I don't know whether my actions were responsible for that revolution or not.

The Court: Just confine yourself.

The Witness: Yes, I will.

Q. Go ahead. Anything else? A. What is it?

Q. Anything else? A. That is all.

Q. You say that you did not consider that you were adequately compensated? A. Well. I still don't consider so.

Q. Did you have any conversation with Judge Rutherford with reference to the services that you were to render in that case? A. Which case?

Q. The case arising out of the Madison Square Garden matter.

The Court: You mean in reference to fee or the services in the case?

Q. Conversation with reference to fee for services to be rendered in that case? A. Not a word.

Q. Not a word? A. I was employed by Mr. Moyle, and Mr. Moyle on several occasions—



The Court: He asked you if you had any conversation.

The Witness: No, I never spoke to Judge Rutherford about it until after.

Q. Before the hearing?

The Witness: Not before.

Q. Is it not a fact that when you first came to see Judge Rutherford about the Heath case that you told him that you were willing to volunteer your services free in this matter against the Coughlinites, because you had been carrying on a fight against the Roman Catholic Hierarchy, for years; is that not a fact, that you had volunteered your services free, to participate in the fight? A. I did not. I must tell you what I did say, however.

Q. What did you say, however? A. I said I was very much interested in the matter, that I had witnessed the trouble there at Madison Square Garden, I would be very pleased—I had already been employed and was serving in a case.

Q. I am talking about your first conversation with Judge Rutherford in reference to this. A. I will say no.

Q. You didn't say anything to him at that time, about that? A. Yes, sure.

Q. What did you say in reference to your fee, then, about volunteering?

The Court: Wait. The witness has testified that when he was hired, he said nothing such as the questions you propounded to him. Do you want to ask him



whether he said similar things at a different time?

Q. Did you say any similar things to him on any other occasion? A. No, I never spoke to Judge Rutherford about the matter, but once in my life, except later when I went up there and tried to get him to pay my fee.

By the Court:

Q. You mean after it was all over? A. After it was all over. I did remark to the Judge—

Q. Wait. After it was all over, you went over there and tried to collect your fee? A. This was previously, while the cases were on,—the incident he has referred to. I said I would be very glad to take a part in the case, that I was very much interested in that line of fight, even to the extent, if necessary, to not charge any fee at all. It wasn't taken as anything, as business negotiations, and has no reference to any negotiations for fees. It was just a volunteered and idle statement.

By Mr. Covington:

Q. But you never said anything to him or anybody else connected with Jehovah's Witnesses, that you would be willing to volunteer your time and effort in the defense of these cases because you had been fighting the Roman Catholic Hierarchy for years; didn't you say that to anybody? A. Well, if it has any bearing on the case, I am perfectly willing to answer that.

Q. That is right. Answer it. A. Well, I will take my directions from the Judge.

The Court: Go ahead and answer it.



Q. Please. A. Yes, I made some such remark.

Q. To Judge Rutherford? A. But it was, as I say, a casual remark, had nothing to do with my employment, just a statement of my general attitude.

Q. Did you and Mr. Moyle discuss with Judge Rutherford what you had agreed upon for a fee? A. No, sir. I had been paid amounts along from the beginning, a check or cash on account, and I never asked for it. It was sent to me voluntarily. I don't believe I made any request at any time for a fee.

Q. Mr. Moyle hired you? Then he was the one that arranged it with you, is that correct? A. He did.

Q. And what was the arrangement, if any, in regard to your fee, between you and Mr. Moyle? A. None except that—oh, originally, yes. We agreed finally on bringing two suits.

Q. I am talking about this Heath case, the Magistrate's Court. A. Nothing, not a word.

Q. There was not a word of discussion between you and Mr. Moyle at all, is that correct? A. No, sir. I had been conducting a hearing in some fifteen or twenty cases arising out of that Madison Square riot or disturbances, and I never made any account of special charge in any case. Mr. Moyle gave me several amounts.

Mr. Bruchhausen: Speak a little louder, Major. The ladies and gentlemen of the jury can't hear you. Speak louder.

The Witness: Louder? I will try. All right, now let's go.

Q. Now, what did you say to Judge Rutherford in a casual remark concerning the matter of the



fee, and you volunteering your services? A. I did not volunteer any services. I was already under the employment of Judge Rutherford—retainer and receiving fees; and when we spoke about this particular matter—and I thought it was a very grievous outrage against these people—

The Court: What did you say? What you told us before?

The Witness: Yes. And I just said, if necessary I would—if necessary—fight the case free; something to that effect.

Q. See if you can recognize that (handing papers to witness)? A. Yes, I got that letter and the check.

Q. Did you get that letter and the check from the Judge? A. Let me see how I endorsed it.

Q. Did you, sir? A. What is it?

Q. Did you get the check and letter from the Judge? A. Yes. And you see what I said about it.

Q. This was August 6, 1940, that you got this letter and check? A. Just a few days after I retired from practice. The 1st of August I had a little leisure, and I went over to see the Judge about it.

Q. All right. A. That is the final result.

Mr. Covington: We offer that.

The Witness: You may read the letter to the jury, if you want to.

The Court: You have to have my permission first, sir.

Mr. Bruchhausen: I object to this as a self-serving declaration.



The Court: Objection sustained.

Mr. Covington: Your Honor, we would like it marked for identification.

The Court: Mark it for identification.

(The papers referred to were marked Defendants' Exhibit 39 for Identification.)

The Court: What is the date of that?

Court Attendant: August 6, 1940.

The Court: That is not in evidence, so please put it away.

Q. I hand you this paper. A. Oh, yes, I recognize that.

The Court: He identifies it as his letter.

Mr. Covington: We offer it.

The Court: Objection sustained, without one having been made. Mark it for identification.

(The paper referred to was marked Defendants' Exhibit 40 for Identification.)

The Court: What is the date of that letter?

Court Attendant: July 7, 1939.

Q. Mr. Wheless, tell us exactly what you said in a joking manner to Judge Rutherford?

The Court: Objection sustained; it has already been answered.

Q. How long have you been in the employ of the Federal Government? A. Employed where?

Q. How long have you been in the employ of the United States Government? A. Just about a year today, as I recollect.

Q. What department are you connected with, please? A. I don't care to say.

Q. Sir— A. It is confidential employment. I am sworn not to make any reference relating to it.

Mr. Covington: We would like to have the question answered, your Honor.

By the Court:

Q. Are you employed with the Government? A. Yes.

Q. Will you tell us what branch of the Government you are employed in? A. War Intelligence.

By Mr. Covington:

Q. With what office of the War Intelligence, New York or Washington? A. That is the very thing I am not telling you.

Q. You are not telling that? Have you ever tried any criminal cases in New York? A. Why, yes; several.

Q. And when was the first case you tried, a criminal case you tried in New York? A. Oh, now, how would I know.

Q. Do you recall that? A. No. I have been in New York for twenty-five years and I have handled more or less cases.

Q. You had these two cases down in Philadelphia, you say, for the Society? A. Yes.

Q. Which cases were they? A. One was Joseph F. Rutherford against the—I don't remember that fellow's name. Rutherford against the Cardinal or Archbishop down there and a half dozen people.



The Court: Dougherty?

The Witness: Dougherty, that is right.

Q. In reference to what? What did that case pertain to? A. The case of Rutherford against Dougherty and others—there were six, five or six of them.

The Court: Is there any materiality to this?

Mr. Covington: I expect to connect this. I would rather not state what I expect.

The Court: If you think you are going to connect this up, go ahead.

Mr. Covington: I will withdraw that for the time being.

The Court: I mean, if it is material, go ahead.

Mr. Covington: I will withdraw it, your Honor.

Q. Did Judge Rutherford give you any instructions as to the trial of this case in the Garden? A. Give me instructions?

Q. Yes. A. To try the case.

Q. Well, did he tell you—

The Court: Did he give you any further instructions?

The Witness: Judge, I don't think so. I don't think anything was said about telling me how to try the case. I tried cases before the Judge was born.

By the Court:

Q. Did you discuss the case with him? Did he make any suggestions as to what you should



do? That is what Mr. Covington wants to find out. A. I understand that. I really and honestly don't know. It was back in—

Q. You don't remember? Is that what you mean to tell us? A. Yes.

By Mr. Covington:

Q. Do you remember anything that was said on that occasion of the conference with Judge Rutherford? A. After I had been employed in this particular case?

Q. The Heath case. A. What?

Q. The Heath case. A. What case?

Q. Judge Rutherford's secretary, Heath. Do you remember Mr. Heath? A. Oh, Heath. Sure. I remember Heath.

Q. All right. You were employed to represent him? A. Yes, and several others.

Q. Tell us, if you remember, anything that was said by either you or Judge Rutherford on the occasion of that conference? A. I do not recall. I do recall that Mr. Moyle and maybe Mr. Heath was present, and maybe some of the others—there were chaps that were involved in there—and myself had some talk about it.

The Court: What he wants to find out now is about your talk with Judge Rutherford.

The Witness: Yes.

The Court: You have no recollection of it?

The Witness: No. That is five years ago or six years ago.



Q. You have no recollection about any instructions? A. So far as I know, I didn't receive any instructions.

Q. Did Judge Rutherford suggest anything to you? A. That I don't know.

Q. About how the case should be tried? A. He needn't tell me how to try a case.

The Court: You don't remember? Is that what you want to tell us?

The Witness: Yes.

Q. You wouldn't have received or taken any suggestions from Judge Rutherford at all? A. If he had given any, but I don't know if he gave me any.

Q. How long were you in conference with him? A. Well, now, that was in 1939.

The Court: You don't remember?

The Witness: I don't remember.

Q. You don't remember how long? Were you there in the morning or the evening? A. I wouldn't know that, to save my neck.

Q. How many times did you go down there? A. Go down where?

Q. To 124 Columbia Heights.

The Court: On this Heath case.

The Witness: Just that once. I was never there but two or three times in my life.

Q. Did you ever have meals at the Bethel home? A. Yes, once.

Q. And at the Bethel table? A. Yes, shortly after—



The Court: You had meals, is that right?

The Witness: I had one.

Q. Now, did you notice the character of the place while you were there? A. Notice what?

Q. The character of the people. Did you notice anything they said and did while you were there that time? A. It was a pretty pious sort of a meeting; sermons, prayers, and this and that and the other, which are not usual for dinners. That naturally attracted my attention.

Q. Did you hear any filthy, dirty, smutty stories passed around the table? A. Not a one.

Q. Did you hear alcohol glorified and used at the table? A. Not a word.

The Court: This is not the proper testimony.

The Witness: They were perfectly sober and serious and decent.

Mr. Bruchhausen: Unless he wants to make him his witness.

The Court: Not even if his own witness, is it proper testimony now. However, if there is no objection, I will let you go ahead.

Mr. Bruchhausen. I will object, if your Honor please.

Mr. Covington: May I have an exception?

By Mr. Covington:

Q. You say you gave this statement to the District Attorney? Do you remember whether or not the Magistrate that presided at that hearing



told you that you didn't have to do that? A. No, I don't know anything about that. There was a judge up there. His name, I think, was Andrews and he didn't say anything that Judges sometimes don't say.

The Court: That is enough. He does not remember

Q. You don't remember? Well, then, refresh your recollection.

(Mr. Covington produces papers.)

The Court: Indicate that you are reading.

Q. I am reading from the stenographic minutes of the hearing now. A. You mean before the Magistrate's Court, Andrews?

Q. Yes, Andrews. A. I remember that very well.

Q. (Reading) "Q. Do you know whether that statement was transcribed, whether it was typed? A. Yes, it was.

"(Mr. Wheless hands Mr. Poretz the transcript in question.)

"By Mr. Poretz:

"Q. I show you this statement, and ask you whether that is a true copy of the statement that you made? A. Yes.

"Q. May I see it, please? A. Yes.

"Mr. Porter: Any objection?

"Mr. Wheless: Not at all."

Do you recall making that statement? A. I knew the thing was offered and I had no objection to it. I had nothing to hide.

Q. And you answered "Not a bit"? A. If it says, "Not a bit." I don't know what I said, except I answered him.

Q. And then the Magistrate says: "You are under no duty to give him that statement." Do you recall that? A. No, I don't remember. I have heard since.

The Court: If it says so in the minutes, you won't dispute it?

The Witness: No, if the minutes say it, it is all right.

Q. "Mr. Wheless: I don't hear you.

"The Court: You are under no duty"—

The Court says again: "The Court: You are under no duty to give him that statement."

Do you recall that admonition from the Judge? A. If you say I said it so, it is all right.

Q. "Mr. Wheless: That is all right. I believe in putting my cards face up on the table." A. That is certainly my policy.

Q. Do you follow that policy of giving confidential information that your client gives to you? A. Oh, now—

Q. In every case that you try?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Q. In many cases have you given confidential statements that your clients have given to you—

Mr. Bruchhausen: I object.

Q. (Continuing) —to the opposing side? A. I will not answer any such question.



Mr. Covington: The question was asked. I would like to have an answer.

The Court: You object to the question?

Mr. Bruchhausen: I object.

The Court: Objection sustained.

Mr. Covington: We except.

By the Court:

Q. Let me ask you this: How many times have you found it advisable to give a statement, if you had it, to another side? A. As far as I know, it is the first time in my life it ever occurred. I always make a business of going around and putting the cards on the table.

*Redirect examination by Mr. Bruchhausen:*

Q. You felt it was helpful to your client's cause to put the statement in evidence, didn't you? A. Certainly. I don't remember anything about what I may have thought, but I surely didn't think it would do any harm to anybody or I wouldn't have done it. It was a sort of self-serving statement, bucked up his own case.

Q. It was a statement made by the client in support of his cause before the Court? A. Sure.

Q. And everything that he had to say in favor of himself? A. I don't know a single word of it now, but you may have it there, and can see what it is.

Q. To your best recollection everything in that statement supported the evidence in your case? A. Sure. It made a pretty good case for him, I thought.



Mr. Bruchhausen: That is all.

Mr. Covington: That is all.

The Court: Step down.

(Witness excused.)

The Court: Now, have you any other rebuttal witnesses?

Mr. Bruchhausen: Is Mr. Hoskins here?

The Court: Whom are you going to have?

Mr. Bruchhausen: I have just Mr. Hoskins and Mr. and Mrs. Moyle on short rebuttal.

The Court: Do you want a five-minute recess?

Mr. Bruchhausen: Yes.

(There was a short recess.)

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ISAAC F. HOSKINS, 514 Fifth Street, Brooklyn, New York, a witness called in behalf of the plaintiff, in rebuttal, being first duly sworn, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. You become a Jehovah's Witness in what year? A. Never.

Q. When did you become a member of the Pastor Russell organization? A. In 1893.

Q. And when did you become a director—What was it, the People's Pulpit Association? A. Watch Tower Society, in 1908.

Q. And Mr. Van Amburgh was a director? A. I believe so, yes.



Q. And you continued as a director until Pastor Russell's death, in 1916? A. I did.

Q. Were you present on any occasions with Mr. Van Amburgh when he actively opposed Mr. Russell?

Mr. Covington: I object to that as immaterial, your Honor.

The Court: Objection overruled.

Mr. Covington: Exception.

A. Yes, sir, I was.

Q. State it as briefly as you can. A. You mean the circumstances?

Q. Yes. A. It was upon the last occasion of Pastor Russell's trip to Great Britain, in June, 1914. He called a meeting of the directors the evening before he left and that meeting carried until about midnight, and there Pastor Russell brought before the Board a series of criticisms and reproofs from Mr. Van Amburgh, in which he took a long time to explain very patiently the meaning of it all, and it all reflected, of course, back against Mr. Van Amburgh.

Q. Were you present at any meeting when there was a discussion about a thousand dollar loan to Mr. Rutherford? A. In the summer of 1915 Mr. Rutherford had withdrawn from the active work and wrote a letter to Pastor Russell asking if the Society would loan him a thousand dollars, that he was about to set up a law office in Los Angeles. Pastor Russell recommended to the Board that it be loaned him, and so the motion was passed in his favor.

Q. You weren't present at Pittsburgh in January, 1917, were you? A. I was not, being very ill at that time.



Q. When next did you attend a Board meeting of the Watch Tower at which there was any discussion about the by-laws? A. Well, that discussion—

The Court: When?

The Witness: It would be about the month of April, as far as I can remember now.

The Court: 1917?

The Witness: 1917.

Q. Was there some discussion about the by-law that had been passed giving Mr. Rutherford full power? A. Yes, sir.

Q. Over the organization? A. Yes, sir.

Q. What was the discussion? Tell us briefly about that. A. At that time there was a very important matter for the Society to deal with and settle. This was about two months after the election in Pittsburgh, in 1917, and Mr. Rutherford—

Mr. Covington: This is objectionable.

The Court: Sustained.

Q. What was stated at that time at the directors' meeting in April that you refer to? A. I was leading up to that.

Mr. Covington: This is subsequent.

The Court: Tell us the statements that were made.

Q. You can only tell what occurred at this meeting. A. When it was stated to Mr. Rutherford that the directors themselves were the managers of the institution, then he said a by-law was passed at Pittsburgh.



The Court: This is the first time you heard of the by-law?

The Witness: From him.

Q. What was said then about that? A. I replied myself and said I had taken the matter under advisement with the Assistant Attorney of Trenton, New Jersey, and he had advised me to gain the information and to say that the by-laws were to be made by the directors and not by the—

The Court: It is my understanding that you said this in the presence of Judge Rutherford?

The Witness: Yes, sir.

Q. Was there anything else said? A. There was some discussion grew out of that. He tried to defend his position that he had all the power and we hadn't any power in the matter of deciding that particular case that was important at that time.

Q. Then did you attend a meeting in June of the Board of Directors? A. I did.

Q. What was said then? A. The directors had taken the matter under advisement before any meeting—

The Court: He asked you to tell him the conversations at the director's meeting in June.

The Witness: Well, at the directors'

meeting in June this same issue came up to the front again as to who were the managers in the institution and our directors, four in number, had drawn a resolution with the intention of passing it, the import of which was—

The Court: Never mind this.

Q. What was said? What did the resolution say? A. To repeal the resolution passed by the directors early in the year giving him that power.

Q. What happened at the meeting? Was a vote taken? A. No vote was taken, no vote was allowed to come to a vote. Mr. Rutherford was very much incensed about it and said, "We will adjourn the meeting until sometime later."

Q. Were there four directors in favor of that motion? A. Yes, sir, four.

Mr. Covington: That is leading.

The Court: It is. Please do not lead.

Q. How many directors were there in all? A. There were seven.

Q. Was the meeting adjourned? A. It was.

Q. And did you attend the subsequent meeting in July? A. We did not. That is, the Board did not.

Q. What happened after the April meeting, if anything?

The Court: After the June meeting?

Mr. Bruchhausen: Yes.

A. Mr. Rutherford was absent for a month or so and came back with the four new directors as he claimed to fill the places of the four vacancies.



Q. What happened at any meeting that you were present at? A. I was present at no other meeting with Mr. Rutherford after that.

Q. Were you present in Bethel when any statement was made by Mr. Rutherford about the transaction? A. I was.

Q. When was that? A. That was somewhere in August, I think.

Q. Were the members of the Bethel Family present? A. They were.

Q. What was said by Mr. Rutherford? A. I wouldn't be able to state in detail.

Q. What is the substance of what was said? A. It was with regard to those of us who he claimed were representing the opposition and were designated malcontents and pointing out that we would have to leave the institution under the circumstances.

The Court: And you did leave?

The Witness: We did leave.

Q. What was his tone of voice on that occasion? A. What was the question?

Q. What was the tone of his voice? A. Very stern and very imperative.

Q. Was anything done by him with reference to Mr. Johnson? A. It was just at the close of the evening meal; when they were dismissed the conversation was continued immediately and Mr. Rutherford rushed across the floor about 20 feet over to where Mr. Johnson was standing and took hold of his arm as though he was going to do violence, but he didn't. Mr. Johnson had made a statement that was provocative, it seems, of Mr. Rutherford's displeasure.

Q. Did Mr. Johnson leave Bethel then? A. I



couldn't say how many days it was, but about that time.

Q. After that time the four directors were asked to leave Bethel, is that correct? A. They were.

Q. When did you first meet Mr. Moyle? A. I met Mr. Moyle, I think, about November of last year.

Q. Of 1942? A. Yes, sir.

Q. That is the first time you ever knew of Mr. Moyle? A. Yes, sir.

Q. Did you have something to do with the organization of the Pastoral Society? A. I did, at the commencement of it, yes.

Q. The Pastoral Bible Institute? A. Yes, sir.

Q. You were one of the organizers? A. I was.

Q. Was that composed of those who had some doctrine of Mr. Russell's? A. It was composed of these directors and enough others to make seven, men whose purpose was to carry out the general plan of ministry as it had been by Pastor Russell.

Q. And was that organization the one that actively opposed Jehovah's Witnesses? A. No. This organization did not concern itself about anybody else.

Q. What did it devote itself to? A. To expositions of the Bible.

Q. Was the material—Was it merely an organization with a journal? A. Yes, sir.

Q. They had no organization, did they? A. Yes, it was a legal corporation.

Q. But they had no meeting places, did they? A. Yes. By this time there were people separated from different parts of the country into groups who were of our same sympathetic attitude



towards Pastor Russell's ministry and teachings. So our thought was to encourage these friends in all parts of the country.

Q. Were those groups independent or were they controlled by the organization, the groups you mentioned throughout the country? A. They were entirely independent groups of Bible students and not interfered with at all by any organization of ours.

Q. So there were no representatives who went out from your organizations to these groups? A. Nothing, except of course there were brethren who we called Pilgrims, lecturers, who went to visit, to all who requested their services, but not until they were requested.

Q. Did you sell any books or literature? A. No, sir.

Mr. Bruchhausen: That is all.

*Cross-examination by Mr. Covington:*

Q. When did you first become acquainted with Judge Rutherford? A. In the summer of 1906.

Q. On what occasion? A. In connection with a gathering of Bible students in St. Paul, or a convention.

Q. And how long after that did Judge Rutherford come to Bethel? A. The institution was then at Pittsburgh and called The Bible House.

Q. Yes, Bible House. A. I think about 1909 he became definitely connected when the work was moved to Brooklyn.

Q. What did he do after he came to The Bible House? What position did he occupy or fill? A. He spent most of his time lecturing, as far



as I can recall now, what was known as the Pilgrim work.

Q. Under whose auspices? A. Under the auspices of the Watch Tower Society.

Q. And Pastor Russell? A. Yes, sir.

Q. You have a grievance against the Watch Tower Society, do you not? A. I wouldn't speak of it as a grievance.

Q. You have a complaint against them, do you not? A. Not the Watch Tower as it was under Pastor Russell, no.

Q. You thought that Pastor Russell was the faithful and wise servant pictured in the Bible, did you not? A. I thought and still believe his ministry represented fulfillment of promises made in the Bible of a ministry of a special character in the end of this age. Never mind the faithful servant. I leave that as a matter of opinion.

Q. You did not consider the Watch Tower Bible & Tract Society as God's organization, did you? A. No, not in the way it has come to be regarded since.

Q. But you did not consider the organization as God's organization. You considered Pastor Russell as the faithful and wise servant? A. He was the one mind that managed the whole thing, and he said at the time he organized it it was to be an instrument that had no creed and wasn't anything of itself, a legal corporation, but the funds might be preserved for use in case of his death.

Q. You say Pastor Russell managed the whole thing? A. Yes, sir.

Q. Was that during his lifetime that he did this? A. It certainly would have to be.



Q. I mean, during the whole time that he was connected with the Society? A. Yes, and he said as he wrote the Charter that he intended that he and Mrs. Russell should control the work, they had a majority vote, until their death.

Q. Did you consider Pastor Russell to be a dictator? A. Not a dictator.

Q. Did you consider him to be discriminating against his brethren because he managed the Society as president? A. No, I did not.

Q. Did you or your group have any candidates for President at the Pittsburgh meeting in 1918? A. We did, but not for President, but seven directors.

Q. Didn't you have a candidate for President? A. I believe we did, too.

Q. Who was the candidate for President? A. I'm afraid I wouldn't be able to answer that now. It is hazy.

Q. Was it Ritchie? A. I doubt if it was. I don't think now as I remember. It would be more likely, Sturgeon.

Q. And you got about 7% of the votes cast there, didn't you? A. I had no way of determining percentage at all.

Q. When did you say you met Mr. O. R. Moyle? A. Last November, 1942.

Q. And is that the first time that you ever heard anything about Mr. O. R. Moyle? A. As far as I remember now.

Q. What institution are you connected with? A. I am not connected with any institution at all at the present time.

Q. What society are you connected with? A.

I am not connected with any society at the present time.

Q. Do you know a magazine called "The Watchers Of The Morning"? A. I do.

Q. Who publishes that? A. I publish it myself with the assistance and cooperation of a number of others.

Q. Did Mr. Moyle ever talk to you about this case? A. Not— You mean last November?

Q. Yes. A. Not in special details, except to let me know he was once connected with the Watch Tower and had found it necessary to withdraw. That is about the substance of it.

Q. Did he ask you about being a witness in this case? A. He asked me as to the possibility of it, yes.

Q. Do you have any connection with the Pastoral Bible Institute? A. Not now I haven't.

Q. When did you sever your connections with it? A. In 1936.

Q. And you have no institution or corporation organized? A. No corporation.

Q. To operate this magazine, is that correct? A. That is correct.

Q. What was the occasion of your leaving the Pastoral Bible Institute? A. It had been going about 18 years and while we started off with the men who were the founders of it, at the end of 19 years all of these men had passed off the scene by death except myself. Their places had been filled. They took a different view of a number of things with regard to policy and ministry, and all, and were not true to what we had stated was the purpose of the institution in the commencement. Therefore, I felt I could



no longer conscientiously continue in that atmosphere.

Q. This conversation that you say that Mr. Van Amburgh had with Pastor Russell, when did that take place? A. In June, 1914.

Q. And how long did Mr. Van Amburgh continue with the organization after that? A. He continued up to Pastor Russell's death.

Q. Did Pastor Russell rebuke him for making these suggestions? A. By inference, he did. He laid the matter before all the directors and Mr. Van Amburgh did little or no talking during that evening.

Q. When did you cease to be a director of the Watch Tower Society? A. When our places were declared vacant in 1917.

Q. Well, you knew the provisions of the Watch Tower charter, did you not? A. As I understood those provisions—

The Court: Did you know them?

The Witness: Yes, sir.

Q. You knew that the charter provided that there should be an election every year, didn't you? A. No, sir.

Q. You didn't know that? A. No, sir, because the charter itself says that they shall hold office for life unless they are removed by a two-thirds vote. That is what the charter says.

Q. And it didn't say anything about annual elections? A. Not for directors.

Q. And you were not an officer, were you? A. No, sir.

Q. Well, who were you trying to get in as President at that meeting that you told us about



that was attended by Judge Rutherford in Brooklyn? A. I don't know that I know which meeting you have reference to.

Q. The one at which you say that there was a discussion as to who should take control of the organization. A. Mr. Rutherford having been elected that January we were not trying to unseat him as president at all, but merely to repeal the by-laws and place the power where it belonged, in the hands of the directors. He didn't intend to recognize the directors.

Q. You were a dissenter at the time you attempted to get it repealed, is that right? A. I was.

Q. What is the date that you tried to get it repealed, the by-law? A. I couldn't give you the exact date but I am pretty certain it was the latter part of June or early in July.

Q. What year? A. 1917.

Q. Do you have any grievance against the Pastoral Bible Institute? A. I wouldn't speak of it as a grievance. A disagreement.

Mr. Covington: That is all.

*Redirect examination by Mr. Bruchhausen:*

Q. What was Mr. Rutherford's attitude at these meetings that you have described? A. An attitude of being very much incensed and disturbed to think that he was questioned or his knowledge in any way was brought into question.

Q. What was his tone of voice at those occasions? A. Well, it was very firm and very intense and very full of emotion.



*Recross examination by Mr. Covington:*

Q. Did you leave voluntarily from Bethel? A. With considerable pressure brought to bear upon us.

Q. How long were you in Bethel after the election at Pittsburgh? A. We left Bethel in August, 1917. The election was in January.

Q. And you made arrangements with the officers about your leaving, did you not? A. Well, we didn't make any arrangements. They made certain suggestions, certain statements all drawn up were handed to us and asked if we would sign that agreement and accept $500 for our expenses in getting out.

Q. And you did that? A. Yes, sir.

Q. And found no objection to it, did you? A. Well, there was in our mind, of course, that we were dealing with this Society as it had been formed, in a committee of apathy, because we didn't recognize in our minds those new directors.

Q. You were then opposed to the Society as it was then operated, is that correct? A. I certainly was opposed to what had been done.

Q. And you were not in harmony with the policy of operation that the Society was then inaugurating, is that right? A. I was not in harmony with the plan they were introducing, the changing of the whole foundation of its operation.

Q. And did you continue to study the books of Pastor Russell? A. I did.

Q. And do you advocate their study? A. I do.

Q. In the meetings that you conduct? A. I do.



*Recross examination by Mr. Covington:*

Q. You hated Judge Rutherford, didn't you? A. No, sir.

Q. Didn't you oppose him? A. I opposed what he wished to put over. He wished to put aside Pastor Russell's whole plan of operation.

Q. Were you a friend of Judge Rutherford's? A. I would not be considered a friend in the ordinary acceptance of that term, because I feel he was performing a very wrong thing.

Q. Did you not consider yourself a friend? A. Not in the ordinary acceptation of the term. It is hard to say.

Q. Since that date you had not been at the table with him, had you? A. Since we left Bethel, no, never been at the table with him.

Mr. Covington: That is all.

(Witness excused.)

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PHOEBE N. MOYLE, recalled as a witness, in behalf of the plaintiff, in rebuttal, having been previously sworn, testified as follows:

*Direct examination by Mr. Bruchhausen:*

Q. You did testify about some of the matters involving liquor at Bethel, did you not? A. I did.

Q. Prior to an occasion. Are there any other matters along that line that you did not testify to?

The Court: This is not proper rebuttal.



Q. And what books are they? A. The six volumes of Scripture studies and the back issues of the "Watch Tower" contain many fine expositions of the Bible, I claim.

Q. And you don't study any other books, is that right? A. Yes, sir, I study other books.

Q. I mean, at the meetings, though? A. Anybody is at liberty to bring forth any other volume they like.

Q. Don't you have organized studies, a system? A. Nothing so finely drawn as that. In a general way, the Bible is our textbook.

Q. You don't use Pastor Russell's books? A. Yes, sir, and sometimes articles of the "Watch Tower".

Q. The "Watch Tower" magazine published by the Watch Tower Bible & Tract Society? A. As edited by Pastor Russell but not since his death.

Q. What is the name of the magazine? A. I say, the "Watch Tower".

Q. You said you studied sometimes articles in the "Watch Tower".

The Court: During Pastor Russell's life.

*Redirect examination by Mr. Bruchhausen:*

Q. At these times that you have mentioned at the meetings, and particularly the meeting at Bethel, was Mr. Rutherford's attitude at that time such as a father towards a son? A. I don't recollect of ever seeing an occasion like that in my lifetime.

Q. What was his attitude? A. Well, the attitude was one of being autocratic, austere and officious.

Mr. Bruchhausen: Well, your Honor will recall that we were about to go into the letter the last time and I think the ruling of the Court was that we didn't have to prove the truth of it until the defendant went on.

The Court: That is right.

Mr. Bruchhausen: So this is the only opportunity we have had since then to proceed on that line of testimony. I certainly do recall that to be your Honor's ruling.

Mr. Covington: I don't recall that to be your Honor's ruling.

The Court: I have no objection to proper rebuttal. If you asked if she heard the testimony had by the defendant's witnesses concerning liquor, and if she has anything to say concerning that, I will permit that.

Mr. Bruchhausen: This is not cumulative. This is supplemental, because it was not thought necessary under your Honor's ruling to go into it.

The Court: You ask the question and I will hear the objection.

Q. You recall, do you not, the letter that was written by your husband to Mr. Rutherford? A. I do.

Q. And you recall that there is a statement there, "A New York sister stated that she never used liquor or served it until some of the Bethel boys insisted upon it."



The Court: Do you recall the statement in there concerning liquor?

The Witness: I do.

Q. And do you know what that incident is?

Mr. Covington: I object to it as hearsay.

The Court: Sustained.

Mr. Bruchhausen: If your Honor please, the letter does not state knowledge. It says, "A New York sister stated."

The Court: Please don't make any statements. I am going to sustain the objection to the question.

Q. Do you recall in the letter this statement: "A brother who used to drink liquor to excess became a total abstainer after getting the truth"? A. I do.

Q. You know that incident? A. I do.

Q. Can you state what the facts are about that?

Mr. Covington: We object to it as immaterial.

The Court: Objection sustained.

Mr. Bruchhausen: Part of the letter.

The Court: I know.

Q. And do you recall a statement in the letter: "Shortly after we arrived it was arrogantly stated we can't do much with Moyle but we will make a man out of Peter"? A. I do.

Q. And you heard that? A. I did.

Q. Did you hear any smutty stories or talk at the table? A. I did.



Q. Can you give us any details about that? A. Yes. One instance, I think it was after the Madison Square Garden meeting, a lad at the end of one of the tables told of his experience in meeting a woman.

The Court: Louder.

Mr. Covington: Where did this take place, please?

The Witness: At the Bethel table. One of the lads at the farther end of the table, second table over from where we sat, told the meeting—told of his meeting with a woman and he was out selling the books that day, and she said that she believed that what he had was the truth and that she would tell her priest what kind of a son-of-a-bitch, I guess it was, that he was, and the Judge up at the head of the other table said he didn't know—that wasn't right—bastard was the word that was used. She spoke of telling her priest what a bastard he was and the Judge at the end of the table said, well, he didn't know about him being a bastard, but he knew that he had a lot of little bastards running around.

Q. Was that said out in the open? A. Yes, sir, that was said at the table.

Q. And did they indicate that they heard it by any commotion? A. They laughed.

Q. And were there any other occasions when you heard any bad language? A. Well, going up and down the elevator at the office we used to hear plenty of it and I remember one time going



back into the ladies' rest room, and I suppose my face was pretty well flushed, and one of the women said—she laughed to think that I was blushing and she said, "You will get used to that." "I used to blush when I first came here, but we get used to that after a while."

Q. Do you recall any incident which referred to an accent in the Scandinavian countries? A. I didn't understand the question.

Q. Was there anything whereby Mr. Rutherford was referring to a Scandinavian accent? A. I don't recall Scandinavian accent, but we had a man sat at the table, Dacheca, his name was, and the Judge would seem to delight in calling on him, and when he had answered he would imitate him and mimic him and used to tell him to talk English so he could understand him.

Q. Did the Judge say anything about his attitude towards women on any occasion? A. So often he did.

Q. What did he say? A. I can't remember. We would go back to the office just heartsick with the stuff he said.

Q. Can you remember anything that was said about women? A. I can't. I just have the general impression.

Q. But there were statements—

Mr. Covington: That is leading and suggestive and repetitious.

The Court: Sustained.

Q. Did he make statements which were in praise of women?

Mr. Covington: That is leading.

The Court: Sustained.



Q. Can you tell us any details about that phase of it?

The Court: She has already said that she doesn't remember.

Q. Were you present on any of these occasions if they occurred of scoldings by Mr. Rutherford of Mr. Woodworth? And MacAuley, McCormick, Knorr, Prosser, Van Sipma, and Ness? A. I think I heard them all.

Q. And also Worsley? A. I think so.

Q. What was the attitude of Mr. Rutherford on those occasions? A. Well, he would yell at them. Worsley, he didn't give Worsley a chance to answer and just took away his job at the Brooklyn unit, and later he was put back in.

Q. Was it an attitude such as a father towards his son? A. Hardly.

Q. Do you remember anything about a matter affecting Elizabeth Galyas? A. I do.

Mr. Covington: That is immaterial.

The Court: I don't know what it is. What does it have to do with this case? What is it concerned with?

Mr. Bruchhausen: Language, filthy language.

The Court: You may answer.

The Witness: She worked in the Mailing Department. There were three other boys working there and she and I were friends, very good friends.

The Court: What was the story?

The Witness: Well, they had been telling smutty stories to her and this day, when I was filing, she stood right up to



them and said, "I don't know what you think I am, but I am not taking any more of that", and she said, "I am going to report you", and they just laughed.

Q. Did you see any liquor around there at any time? A. I saw the empty bottles, many.

Q. Where did you see them? A. The first year I worked on the third floor and I saw them in the rooms of the men and then I saw the empty bottles, the whiskey bottles; I had to take care of them and put them into the place where the houseman took them away.

Q. Did you see them in other places around the building? A. Yes, wherever I had occasion to go.

Q. This was during the period you were there, from 1935 to 1939? A. Well, it was that first year, yes, sir. I worked one year on the floor.

Q. You just happened to be working on that floor? A. I was housekeeper for one year.

Mr. Bruchhausen: That is all.

*Cross-examination by Mr. Covington:*

Q. Did you ever have to scold your son Peter while you were bringing him up? A. I did.

Q. When he went out of the way you always corrected him, didn't you? A. If he went out of the way.

Q. And you considered that to be your duty as a mother, didn't you? A. I did.

Q. Did you consider that you were a member of the Bethel Family? A. I did.

Q. Did you consider that Judge Rutherford

was the head of the family? A. Not in the sense that he presumed to be.

Q. Well, you did consider him to be the head of the Family, didn't you?

Mr. Bruchhausen: I think this calls for a conclusion.

A. I don't know whether I can say that or not.

The Court: I will permit her to answer.

The Witness: He considered himself the head of the Family.

The Court: We are asking what you considered.

The Witness: No.

Q. What did you consider him to be? A. President of the Watch Tower Bible & Tract Society.

Q. You know that the Bethel Family was a family? A. They called themselves a family because they lived together.

Q. Who was the woman that told you that you had to get used to that sort of stuff? A. Helen Howlett.

Q. That was in the ladies' toilet, is that right? A. That is right.

Q. And what year was that? A. It wasn't so long after I started to work at the office. I suppose that would be in 1936.

Q. You heard the brother use the word "bastard," is that right? A. Yes.

Q. And he was relating an experience of what some woman had told him in the field, is that right? A. That is right.



Q. And she had told him what? A. She had told him that she was going to tell her priest something to that effect.

Q. To what effect? A. That he was a bastard.

Q. And this boy was repeating that to you at the table? A. That is right.

Q. Where did you sit? A. The fourth table, second from the head.

Q. What was the name of the boy, please? A. I don't know. We couldn't see him.

Q. How long had you been in the family when you heard that? A. A good many years.

Q. Did you know the voices of the various ones that made comments at the table? A. No. They came and went on an average of 12 or 15 a year.

Q. But what table was he sitting at? A. He was at the Judge's table, at the foot.

Q. And was he telling this out loud or just talking to his neighbor? A. He was telling it so the whole dining room heard it.

Q. You objected to the repetition of what the boy had been told by this woman, is that right? A. I did not.

Q. You objected to him quoting her, is that right? A. I did not.

Q. You were offended at what he said? A. I was not.

Q. Didn't it make you mad, angry? A. It didn't.

Q. Did it please you? A. It didn't.

Q. What offended, the quoting of this? What effect did the quoting of this woman's word have on you? A. I don't think it had any effect.



Q. Did you ever make any complaint to Judge Rutherford about it? A. No, sir.

Q. Did you ever make any complaint to anybody else around the family about it? A. I may have mentioned it to my husband.

Q. Did you mention to your husband, the instance about Helen Howlett? A. I can't remember whether I did or not.

Q. Look at Deuteronomy 23:2.

Mr. Bruchhausen: I object to this, if your Honor please.

The Court: He just asked her to look at it.

Mr. Bruchhausen: I object to it.

The Court: Objection sustained.

Q. You know the word "bastard" is mentioned in the Bible in many places? A. I have no objection to that one. It is the use of it.

Q. Did you consider this statement by the boy to be a filthy joke that he was telling, a smutty joke? A. I did not. It was the Judge's attitude and his repetition that I objected to.

Mr. Covington: That is all.

(Witness excused.)

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OLIN R. MOYLE, recalled in his own behalf, in rebuttal, testified further as follows:

*Direct examination by Mr. Bruchhausen:*

Mr. Bruchhausen: May I offer in evidence all the rules of the Bethel organization?



The Court: They are already in evidence.

Mr. Bruchhausen: I think only some of them.

The Court: They are all in evidence.

Q. You heard Mrs. Heath testify about the proceeding in the Magistrates' Court? A. Yes, sir.

Q. And was there any note passed up to you by her? A. There was a note passed up to me, yes.

Q. What did the note say? A. The note said that from there on that Wheeless should be removed from conduct of the case and that I should take his place.

Q. What time of the day was that handed to you? A. It is hard to recall. My best recollection is that it was towards the close of that morning's session.

Q. Mr. Wheeless had practically completed the trial at that time, hadn't he? A. There was still another witness or so, I think.

Q. Did you have any talk with Heath about pleading guilty as he referred to? A. You mean Orrell.

Q. Orrell. The only conversation I had with Orrell relative to any plea of guilty was made after the hearing was over; during the hearing Judge Andrews had made the suggestion that if Orrell would plead guilty he would reduce the charge and impose a $10 fine. I did not consent to that and on the return as we were walking across the street Orrell asked some question or made some reference to that and I made the statement, "Well, maybe if you had pleaded



guilty we may have saved a lot of work and a little money," made it as a joke.

Q. After the whole trial was over? A. Yes, sir, after the whole trial was over.

Q. Was there any conference at any time as to how to try the case and whether or not to put in a deposition before the trial? A. No, sir.

Q. Was there any conference after the trial in the Magistrates' Court about retaining new counsel for Special Sessions? A. Yes, sir, there was.

Q. When did that take place? A. Very shortly after that hearing— Wait a minute— There was a conference on that even before the preliminary hearing, I believe.

Q. You mean that was in connection with considering retaining Mr. Leibowitz? A. Yes, sir.

Q. That was a continuation of that conference, was it not? A. Yes, I believe that was.

Q. Nothing was said about any dissatisfaction about the trial in the Magistrates' Court? A. No.

Q. Did you then identify, or anybody identify, Mr. McDonald as the man who had participated at Madison Square Garden to you?

The Court: Before the hearing.

A. I don't recall whether it was before or afterwards that Quackenbush did tell me that he recognized McDonald as being up there.

Q. But nobody had ever asked to have charges made against him? A. No.

Q. There was no complaint made that he assaulted anybody? A. No.



Q. He was the attorney for Auffant at the time you met him in court? A. Yes, sir.

Q. Are you familiar with the canons of ethics? A. Somewhat.

Q. Do you know the canon which refers to courtesy between attorneys?

Mr. Covington: I object to it as immaterial.

The Court: Sustained.

Q. Do you know what the practice is and the authority of a magistrate in holding defendants for the Court of Special Sessions? A. Yes.

Q. What is it? A. The practice as I understand it is that they do not find the party guilty but they do hold them for trial to the Court of Sessions, as it is called. That is not a trial to determine whether or not the party is guilty but whether sufficient evidence to hold the party for trial is there.

Q. Something was said about your failure to answer Bible questions. What is there about that? A. I don't know. When Mr. Rutherford made that statement that was the first time I knew that I had never answered any.

Q. Were you away a great deal in connection with legal business? A. I was a great deal of the time.

Q. An article has been referred to which was read by defense counsel entitled "Facts For Digest."

Mr. Covington: "In Facts."

Q. At whose request was that written? A. At the request of Mr. Knorr.

Q. How long before it was printed was it written? A. I can't recall. It was sometime. Quite a few weeks.

Q. It does—

The Court: We have had this before.

Q. Some reference was made to conversations in the Fink home in August, 1939, that you had made some statements of some kind about doctrines. Do you recall what that was, the testimony here? A. No. I believe you are referring to testimony concerning meetings in the Fink home.

Q. Yes, that you were supposed to have been present at the meetings in the Fink home, and made some statements. A. There was nothing out of the way in any of the meetings in the Fink home or any other home. I never made any references to doctrines outside of Jehovah's Witnesses or interfered in any way with the proper conduct of these meetings.

Q. A statement was made by the witness Marquardt, about a cartoon that you prepared. Was there any such cartoon? A. I do not draw. I don't think I could if I wanted to.

Q. Have you ever drawn one? A. Not to my knowledge, no.

Q. There were printed instructions for the Madison Square Garden meeting? A. There were typewritten instructions.

Q. And those were followed, were they not?

Mr. Covington: That is a conclusion, and argumentative.

The Court: Sustained.



Q. You did not hear about this by-law controversy of 1917, until sometime in 1940 or 1941, is that right? A. I knew very little about it.

The Court: He didn't ask you that. He asked you when you heard about it for the first time.

The Witness: I read some items about that back in 1917 or 1918 but made no study of it. I knew very little about it.

Q. Some mention was made by Mr. Suiter about a conversation on military schools. Did you have any conversation with him and what was it? A. While loading the truck with our goods, I was checking the articles off as they were put in on the sidewalk and Mr. Suiter came up and said, "I would like to ask you a question. Did you advise the children up in Massachusetts to attend a military school?" I said, "No, who says that I did?" And he did not tell me. That was all that was said.

Q. You are not opposed to children attending military schools, are you not? A. No.

Q. You are not opposed to people belonging to other religions? A. Not at all.

Q. And you don't criticize them for doing so? A. No.

Q. What was there about holding an elevator open for Mr. Rutherford at times? Do you know anything about that? A. Very frequently, especially on Sunday evenings, the elevator would be held open for him. I might state that the elevator there is a self-operating one and used by the members there to go up to the different floors and when Mr. Rutherford and his group



were returning from Staten Island or elsewhere this elevator would be held open for them and those who went up to the upper floors would have to walk up during that period of time.

The Court: Is that the only one in the place?

The Witness: That is the only one in the place.

Q. Was that held open for long periods of time? A. Quite lengthy periods, sometimes.

Q. How long sometimes? A. I think from 15 minutes to half hour.

Q. The Witness Miller said something about a conversation with him out in Massachusetts. Do you recall his testimony? A. Yes, sir.

Q. Did you say anything to him or did he say that wouldn't it be better to speak to Rutherford, and something about throwing your hat in and then your suitcase? Was there anything like that said? A. No, there was not. My conversation with him was very brief.

Q. What was it, briefly? A. As we were leaving that morning he said to me, asked me what it was all about, and I said I was leaving because I didn't care to stay there under those conditions and I did not give him the details.

Q. Some reference was made about a number of people in Kenosha who left the gathering. A. Yes, sir.

Q. When did they leave? A. The great majority of them left about a year afterwards, along in the summer or fall of 1940.

Q. Do you recall some incident in July involving a chair with Mr. Rutherford? A. During



the conferences over the Madison Square meetings we were called into the room, I think they call it the radio lobby or audition room, by Mr. Rutherford. There a number of us, Grant Suiter was one, myself and two or three others, were there and Mr. Rutherford, right after breakfast table. As we entered the room and were waiting for the others he sat down in a stenographer's chair, a small swivel chair. The chair tipped back and almost threw him onto the floor and he rose up from the chair and grabbed it with his hands and threw it the whole length of the room towards the center of the room.

Mr. Bruchhausen: That is all.

*Cross-examination by Mr. Covington:*

Q. When was that? A. That was afterwards, after the Garden riots, and before the hearing.

Q. And before the hearing? A. I am not sure of that, whether it was or not.

Q. How long? A. It was while the discussions were going on.

Q. You now recall the matter of talking to Mr. Orrell quite clearly, about pleading guilty now, don't you? A. Yes, sir.

Q. And your mind has been refreshed on that?

Mr. Bruchhausen: I object to that. It was testified before.

The Court: Objection sustained. It is for the jury to say.

Q. That was a pretty serious matter to be joking about, wasn't it?

Mr. Bruchhausen: I object to it.

The Court: Sustained.



Q. Did you get any instructions regarding putting McDonald on the witness stand? A. I don't recall any instructions to put him on the witness stand.

Q. Will you say that you did not? A. I did not.

Q. You did not receive such instructions? A. I did not.

Q. What instructions did Judge Rutherford give you and Mr. Wheeless? A. I don't recall any specific instructions. There was a conference concerning the case. We discussed who were the witnesses and it was left to Wheeless to arrange putting them on.

Q. Weren't you and Mr. Wheeless in conference with Judge Rutherford for more than half a day? A. No.

Q. Half a day? A. I don't think so.

Q. How long were you in conference? A. I don't recall that we were there more than an hour.

Q. Did you hire Mr. Wheeless? A. At the request of Judge Rutherford.

Q. And when was that? A. I can't recall the exact date.

Q. I show you Defendant's Exhibit D-6, and ask you if that is the truth and did you write the truth there. A. Yes, I think that is the truth.

Q. You did mention to Orrell that it was a good thing for him to—

Mr. Bruchhausen: I object to it.

The Court: Objection sustained. The letter is in evidence and has been read to the jury.

(Witness excused.)

Mr. Bruchhausen: The plaintiff rests.



(Mr. Covington reads article entitled "Snares," to the jury.)

Mr. Covington: That is all.

The Court: That is the defendants' case?

Mr. Covington: We close, your Honor.

The Court: Plaintiff rests?

Mr. Bruchhausen: Plaintiff rests.

The Court: I will hear the motions now. The jury will be excused until 9:30 tomorrow morning. Thank you very much. I am sorry to have kept you late. Please do not decide the case or even discuss it until you have finally heard the summations and the charge.

(The members of the jury leave the courtroom.)

Mr. Covington: At this time the defendants, the two corporate defendants, and each of the individual defendants—

The Court: I think, if you don't mind, you had better take them up separately. I regard the individual defendants a little differently myself.

Mr. Covington: All right, your Honor.

The Court: If you have prepared something, I will hear it.

Mr. Covington: I will proceed separately.

First, in behalf of the individual defendants, not in behalf of the corporation defendants, each and all the defendants move the Court to instruct the jury to return a verdict in favor of each of the individual defendants.

The Court: Do you want to make a motion to dismiss the complaint?

Mr. Covington: Yes.

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*Colloquy*

The Court: I think you ought to move to dismiss the complaint first.

Mr. Covington: I move at this time for a dismissal of the complaint in behalf of each of the individual defendants—

The Court: As to both causes of action?

Mr. Covington: As to both causes of action.

The Court: What have you got to say to that, Mr. Bruchhausen, only as to the individual defendants?

(Discussion off the record.)

The Court: I have heard no evidence that would give me the right to send the case to the jury as to the individual defendants, as far as the second cause of action is concerned.

Mr. Bruchhausen: I am inclined to think your Honor is right. The only question we may have is as to the form it takes.

The Court: Why shouldn't the complaint be dismissed as to the individual defendants as to the first cause of action?

(Discussion off the record.)

The Court: I take it you have no recollection of any testimony that gives me the right to send the case to the jury as to the second cause of action involving the individual defendants?

Mr. Bruchhausen: My recollection is that there is no evidence tying up the defendants.

(Further discussion off the record.)

The Court: I will reserve decision as to the individual defendants.

Mr. Covington: On both causes?

The Court: On both causes. I am going to

1601

*Motion for Dismissal of Complaint and Direction of Verdict in Favor of Defendants*

look a little bit myself into the first cause of action.

(Further discussion off the record.)

The Court: You shall have a decision before you start to sum up tomorrow morning. Now, as far as the corporate defendants are concerned—

Mr. Covington: In behalf of the corporate defendants at this time, with reference to both causes of action stated in the complaint, the defendants move for a dismissal of the complaint and for a direction of a verdict.

The Court: Let us make the motion for the dismissal first.

Mr. Covington: All right, because there is no evidence to submit the case to the jury in behalf of the plaintiff on either one of the causes of action. Furthermore, that the evidence is insufficient to sustain a verdict upon any of the issues presented on either of the causes of action. The undisputed evidence shows that the "Snares" article and the article entitled "Information," have been proven to be the truth, and justification has been established as a matter of law. Next, the undisputed evidence shows that the publication of the article entitled "Snares" and the article entitled "Information" was in the "Watch Tower" magazine, which was a channel of communication between the Watch Tower Bible & Tract Society and Jehovah's Witnesses; and that the undisputed evidence establishes as a matter of law that the communication of the "Snares" article and the "Information" article was privileged because of

1602

*Motion for Dismissal of Complaint and Direction of Verdict in Favor of Defendants*

the relationship between the Watch Tower Bible & Tract Society and Jehovah's Witnesses, and the undisputed evidence shows that there was no malice or there was no evidence of malice established that would warrant the submission of any issue on that.

Next, the undisputed evidence shows that these statements contained in the article entitled "Information" and the article entitled "Snares" were in reply and were made in self-defense to charges made by Mr. Moyle in copies of his letter which he caused to be circulated or permitted to be circulated and also in letters which he mailed to various persons shown in the evidence; and that these articles caused the motives of the plaintiff and his conduct in writing this letter and also in acting as he did in court. And the undisputed evidence shows that there is no malice or ill will on the part of any of the defendants.

Next, the article entitled "Snares" and the article entitled "Information" are shown to have been published on a man whose name and fame among Jehovah's Witnesses throughout the United States was far and wide and broad; that he was a man of public characted among Jehovah's Witnesses; that Jehovah's Witnesses had an interest in his conduct, and, therefore, in writing each of these articles and causing the same to be published, they constituted fair comment on the plaintiff's acts and conduct, and expressed their opinion of and concerning the plaintiff, and there is no evidence of malice.

That is the motion, and we move now that the Court order the complaint dismissed for those reasons.

1603

*Motion for Direction of Verdict in Favor of Plaintiff*

The Court: The motion is denied as to the corporate defendants insofar as both causes of action are concerned. Exception to the corporate defendants.

Mr. Covington: And we will make a motion for a directed verdict.

The Court: Insofar as the corporate defendants are concerned?

Mr. Covington: Yes.

The Court: On the same grounds?

Mr. Covington: On the same grounds.

The Court: Have you anything to say about a direction of a verdict (addressing Mr. Bruchhausen)?

Mr. Bruchhausen: I would like to make a motion to dismiss the separate defenses on the ground—

The Court: Let us concern ourselves with one thing at a time.

Mr. Bruchhausen: May I have about five minutes on this?

The Court: Yes, certainly.

(Short recess.)

Mr. Bruchhausen: The plaintiff moves to dismiss the defense—

The Court: Wait now. This gentleman has moved on behalf of the corporate defendants for the direction of a verdict insofar as both causes of action are concerned.

Mr. Covington: For the reasons stated in the motion.

Mr. Bruchhausen: The plaintiff also moves for a directed verdict in favor of the plaintiff on both causes of action, on the first cause of

1604

*Plaintiff's Motion to Dismiss the Separate Defenses, etc.*

action against the individual and corporate defendants, and on the second cause of action against the corporate defendants.

The Court: Decision reserved. I will also give you a decision on that before you start to sum up tomorrow morning. That ends the motions insofar as the defendants are concerned?

Mr. Covington: We might just as well make the same motion in behalf of the individual defendants.

The Court: For a directed verdict?

Mr. Covington: Yes, for the reasons stated, on both causes of action.

The Court: Decision reserved.

Mr. Covington: For the same reasons stated.

The Court: For the same reasons stated in the motion to dismiss the complaint on behalf of the individual defendants?

Mr. Covington: Yes.

Mr. Bruchhausen: Now the plaintiff moves to dismiss the separate defenses of truth, and justification, privilege, fair comment and mitigation of damage, on the grounds—

The Court: Will you refer to the number of the defenses you move to dismiss? I would prefer that you make your motion in the morning as far as the dismissal is concerned. We will have motions at 9:30 and we will keep the jury outside until the motions have been disposed of, which is the fairest thing to everybody. Is that satisfactory to everybody?

Mr. Covington: Yes.

Mr. Bruchhausen: Yes, sir.

(Trial adjourned to Wednesday, May 26, 1943, at 9:30 a.m.)

1605

*Court's Ruling on Motions*

May 26, 1943,
9:30 a. m.

(Trial resumed.)

(Jury not present.)

The Court: We will now talk about the motions.

The motion to dismiss the first cause of action has already been denied in so far as the corporate defendants are concerned. It is now denied in so far as the individual defendants are concerned.

The motion to dismiss the second cause of action by the corporate defendants is denied.

The motion to dismiss the second cause of action in so far as all the individual defendants are concerned is granted.

Mr. Bruchhausen: May I have an exception?

The Court: Wait now. Each side may have an exception to the adverse ruling.

Now we will take the motion for a directed verdict. In so far as the first cause of action is concerned, the defendant has made a motion for a directed verdict in favor of the defendant.

Mr. Bruchhausen: The plaintiff also moves for a directed verdict.

The Court: In favor of the plaintiff?

Mr. Bruchhausen: In favor of the plaintiff.

The Court: You both must say that.

Mr. Bruchhausen: On both causes of action.

The Court: We will take one at a time.

Both motions are denied. An exception is given to each side.

In so far as the second cause of action is concerned, do you also move for the direction of a verdict in favor of the defendants?

Mr. Covington: Yes, your Honor, on the same grounds as I stated yesterday.

Mr. Bruchhausen: Plaintiff also moves for a directed verdict on the second cause of action in favor of the plaintiff.

The Court: Both motions are denied. An exception is given to everybody in the case.

Let it be noted on the record that Mr. Covington's motion, the grounds stated in his original motion for dismissal are stated in all the motions on all causes of action.

Mr. Covington: Yes, your Honor.

The Court: And let it be noted that an exception is given to all parties.

I have a motion I am going to hand to the Clerk made by Mr. Covington. Put it in the record as though Mr. Covington made it at this point:

(The motion made by Mr. Covington is as follows:

Now come defendants at close of all the evidence and before the Court's charge to the jury and move that the Court instruct the jury to render a special verdict and not to return a general verdict.

Defendants say that this cause should be submitted upon specific questions of fact so that the issues can be found by the jury according to the evidence.

Submitting the cause on a general charge and permitting the jury to return a general verdict, either for the plaintiff or for the defendants, is



inadequate and prejudices the rights of the defendants herein. Defendants are entitled to know on what theory the verdict to be returned by the jury is based. Under a general charge it will be impossible to determine upon what elements of facts the jury based its verdict

The facts and circumstances in this cause present a situation that requires that the Court instruct the jury to return a special verdict, pursuant to Sections 458 and 459 of the Civil Practice Act. It is respectfully submitted that to submit this action to the jury upon a general charge would be an abuse of discretion and prejudice and imperil the rights of defendants.)

The Court: That motion is denied with an exception to all the defendants. That is your motion for a special verdict.

Mr. Covington: Yes, your Honor. And in connection with that, as required by the rules of Civil Practice, we submit certain special findings of fact—

The Court: That is another motion?

Mr. Covington: No, it is a part of this motion.

The Court: Now you are going to make another motion because that motion, in my judgment, is not proper. If you are making another motion, it may be proper.

Mr. Covington hands copy of motion to the Court.)

The Court: These motions I will give you an opportunity to make after the summations today so that I may look them over. I will also note on the record that Mr. Covington has a



right to move for a directed verdict after the close of the summations.

Mr. Covington: Yes.

Mr. Bruchhausen: Now, if your Honor please, I have these further motions on behalf of the plaintiff:

Plaintiff moves to dismiss the first complete defense to the first cause of action which is alleged in Paragraphs 11 to 18, inclusive, of the answer, whereby the defendants plead justification or truth, on the ground that the defendants have not proved the truth of the article "Information" which was published on October 15, 1939. They have not shown that the plaintiff libeled the family at Bethel because the plaintiff has proved that he was privileged to write the letter, and its contents were substantially true.

The Court: Motion denied. Exception to the plaintiff. It is my judgment that that is for the jury to say.

Mr. Bruchhausen: The plaintiff further moves to dismiss the second complete defense to the first cause of action which is pleaded in Paragraphs 19 to 22 of the answer, whereby the plea of privilege is set up both to communicate to the members and in fair reply to the plaintiff's letter, upon the ground that the defendants have not proved that they were privileged to communicate the article "Information" by publication in the Watch Tower magazine and because it was not a fair reply in that it injected personalities and attacked Moyle in his personal and professional capacity.

The Court: The motion is denied with an



exception. It is my opinion that that is for the jury to determine, not for me.

Mr. Bruchhausen: The plaintiff further moves to dismiss the third complete defense to the first cause of action upon the ground that it has not been established by the evidence in this case.

The Court: Mr. Covington, isn't that a repetition of the second defense?

Mr. Covington: It is a repetition of the facts. However, it is not a repetition of the defense.

The Court: I will deny the motion with an exception to the plaintiff.

Mr. Bruchhausen: The plaintiff further moves to dismiss the fourth complete defense to the first cause of action which is pleaded in Paragraphs 23 and 24 of the answer, whereby the defendants plead fair comment, on the ground, first, that the defendants have failed to establish the truth of the matters in the "Information" article alleged to be factual, and, secondly, that the matters alleged to be opinion are not such comment as a reasonable man would make on the facts fairly stated.

The Court: Motion denied; exception to the plaintiff. I think that that is for the jury.

Mr. Bruchhausen: The plaintiff further moves to dismiss the first complete defense to the second cause of action—

The Court: Are you making the same motion with respect to the second cause of action?

Mr. Bruchhausen: Yes.

The Court: Let it be noted that the plaintiff made the same motions with respect to the four defenses to the second cause of action, and he has the same ruling and an exception.



Mr. Bruchhausen: And may I make a blanket motion on behalf of the plaintiff to dismiss separately all of the separate causes of action, upon the ground that each of the said alleged causes of action have not been established by the defendants.

The Court: That is denied with an exception to the plaintiff.

The only thing we have left is for a motion for a special verdict to be determined after summation. If there is nothing else to be said by anybody, we will call in the jury.

(The jury is recalled to the court-room.)

The Court: Now I understand you want the summations taken down?

Mr. Covington: Yes, your Honor.

The Court: I would like to say for the edification of the jury that if you hear me interrupt counsel at any time, you will realize that we have agreed that they will be limited to a certain time, and it is no reflection on either counsel. It is just an agreement that I am going to call their attention when their time is about up.

(Mr. Covington summed up to the jury.)

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AFTERNOON SESSION

(Mr. Bruchhausen summed up to the jury.)

The Court: Because of the lateness of the hour, I will not sit tonight. This is the last time I will tell you this: Please do not discuss the case, even among yourselves. The reason I do



not charge you tonight is that this has been a case that has taken a long time to try, and we do have blackouts on occasion, and I want nothing to interrupt your deliberations.

It has been the policy of this Court, ever since the inception of blackouts, not to send jurors out late. Therefore, we will charge you at 9:30 A. M. tomorrow, promptly, and I shall not take more than twenty or twenty-five minutes to charge you.

(The jury thereupon left the court room.)

The Court: The jury is all gone. Defendants' counsel has submitted in writing to the Court twenty-six motions under Section 459 of the Civil Practice Act, asking the Court to submit to the jury twenty-six separate questions for answer, thirteen on each of the two causes of action.

All motions are denied, each with an exception to the defendants. The motions are to be made a part of the record in this case.

(The motions referred to are as follows:)

*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER ONE-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939, *libelled* the plaintiff, as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER TWO-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939, actually charged that the plaintiff had been entrusted by defendants with confidential matters and that he had proved faithless to his trust, and that in the manner of Judas who betrayed Jesus Christ plaintiff betrayed the defendants and his fellow witnesses of Jehovah?

(Answer YES or No)

ANSWER: We the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER THREE-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939, actually charged that the plaintiff "had become an 'evil servant', was unfaithful to Jehovah and an unfit person for members of Jehovah's witnesses to associate with"?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER FOUR-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939, by referring to Jude, verses 4 to 16, in accordance with the beliefs of Jehovah's witnesses, actually charged that the plaintiff had "put himself in opposition to God's government and is a man who has denied the Truth and thereby committed a sin, the result of which condemns him to a second death and eternal destruction, a death from which there is no resurrection"?

(ANSWER YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER FIVE-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939, referred to the plaintiff in his capacity as a lawyer instead of his capacity as a member of the Watchtower Bible and Tract Society and as one of Jehovah's witnesses?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER SIX-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939, referred to the plaintiff and was written of and concerning the plaintiff in his private capacity as a member of the Watchtower Bible and Tract Society and as one of Jehovah's witnesses?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants

*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER SEVEN-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939 was prepared, published and circulated by the defendants of and concerning the plaintiff with actual express malice as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer _____

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER EIGHT-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the charges contained in the article entitled "Information" appearing in the WATCHTOWER magazine of October 15, 1939 were the truth and constituted justification for such publication, as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer _____

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER NINE-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the preparation, publication and communication of the article entitled "Information" appearing in the WATCHTOWER magazine of October 15, 1939 constituted a qualifiedly privileged communication between the defendants and the subscribers of said WATCHTOWER magazine as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer _____

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER TEN-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

A

Do you find from a preponderance of the evidence that before the publication and circulation of the article entitled "Information" appearing in the WATCHTOWER of October 15, 1939 the plaintiff circulated or permitted to be read a copy of his letter of July 21, 1939 delivered to the defendant Joseph F. Rutherford, deceased, and thereby attacked and assaulted the headquarters staff of the defendant societies and of Jehovah's witnesses?

(Answer YES or No)

ANSWER: We, the jury, answer _____

B

If you have answered the foregoing question YES, you will answer the following question:

Do you find from a preponderance of the evidence that the publication and circulation of the article entitled "Information" contained in the WATCHTOWER magazine of October 15, 1939 was made by the defendants in self-defense and in



*List of Defendants' Requests for Special Findings*

defense of the organization against the charges contained in the plaintiff's letter dated July 21, 1939?

(ANSWER YES or No)

ANSWER: We, the jury, answer _____

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants

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DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER ELEVEN-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the publication and circulation of the article entitled "Information" contained in the WATCHTOWER magazine of October 15, 1939 of and concerning the plaintiff constituted and was fair comment as to plaintiff's conduct and course of action as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer _____

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER TWELVE-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

What amount of money, if any, do you find from a preponderance of the evidence would reasonably and fairly compensate the plaintiff for the injuries, if any, directly and proximately resulting from publication of the article entitled "Information" contained in the WATCHTOWER magazine of October 15, 1939?

(Answer by stating the amount, if any.)

ANSWER: We, the jury, answer _____

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants

*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER THIRTEEN-A

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Information" published in the WATCHTOWER magazine of October 15, 1939 was published without probable cause?

(Answer, It was without probable cause; or, It was not without probable cause.)

ANSWER: We, the jury, answer .....

By the term "probable cause" is meant a reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief that the person mentioned in the publication is guilty of the things with which he is charged in the article. For one to have probable cause for publishing an article which is privileged, it is not necessary that the one publishing the same should have before him legal evidence of the suspected wrongful conduct. It is enough that the apparent facts that have come to the attention of the publisher are sufficient in the circumstances to lead a reasonably discreet and prudent person to believe the statements made were correct.

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER ONE-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939, libelled the plaintiff, as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER TWO-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Section 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939, actually charged that the plaintiff, as a lawyer who had been entrusted with the defense of the interests of his clients, "had failed to protect such interests and had been unfaithful"?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER THREE-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939, actually charged that the plaintiff "failed and refused to look well to defend the interests of his consecrated brethren in order that he might appear as a 'good fellow' in the eyes of other men, and that plaintiff is, therefore, the enemy of Christ"?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully submitted,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER FOUR-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939, actually charged that the plaintiff, "having been favored with a position of confidence and trust in the Lord's organization, had proved faithless to his trust because he desired the approval of men instead of having a proper fear and reverence to the word of God, and that the plaintiff had been ensnared by the devil"?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS NUMBER FIVE-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939, referred to the plaintiff in his capacity as a lawyer instead of his capacity as a member of the Watchtower Bible and Tract Society and as one of Jehovah's witnesses?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants

*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER SIX-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939, referred to the plaintiff and was written of and concerning the plaintiff in his private capacity as a member of the Watchtower Bible and Tract Society and as one of Jehovah's witnesses?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER SEVEN-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939 was prepared, published and circulated by the defendants of and concerning the plaintiff with actual express malice as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER EIGHT-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the charges contained in the article entitled "Snares" appearing in the WATCHTOWER magazine of November 15, 1939 were the truth and constituted justification for such publication, as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER NINE-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the preparation, publication and communication of the article entitled "Snares" appearing in the WATCHTOWER magazine of November 15, 1939 constituted a qualifiedly privileged communication between the defendants and the subscribers of said WATCHTOWER magazine as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



*List of Defendants' Requests for Special Findings*

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER TEN-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

A

Do you find from a preponderance of the evidence that before the publication and circulation of the article entitled "Snares" appearing in the WATCHTOWER of November 15, 1939 the plaintiff circulated or permitted to be read a copy of his letter of July 21, 1939 delivered to the defendant Joseph F. Rutherford, deceased, and thereby attacked and assaulted the headquarters staff of the defendant societies and of Jehovah's witnesses?

(Answer YES or No)

ANSWER: We, the jury, answer .....

B

If you have answered the foregoing question YES, you will answer the following question:

Do you find from a preponderance of the evidence that the publication and circulation of the article entitled "Snares" contained in the WATCHTOWER magazine of November 15, 1939 was made by the defendants in self-defense and in defense of the organization against the



*List of Defendants' Requests for Special Findings*

charges contained in the plaintiff's letter dated July 21, 1939?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants

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DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER ELEVEN-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the publication and circulation of the article entitled "Snares" contained in the WATCHTOWER magazine of November 15, 1939 of and concerning the plaintiff constituted and was fair comment as to plaintiff's conduct and course of action as that term has been defined to you herein?

(Answer YES or No)

ANSWER: We, the jury, answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants

DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER TWELVE-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

What amount of money, if any, do you find from a preponderance of the evidence would reasonably and fairly compensate the plaintiff for the injuries, if any, directly and proximately resulting from publication of the article entitled "Snares" contained in the WATCHTOWER magazine of November 15, 1939?

(Answer by stating the amount, if any.)

ANSWER: We, the jury answer .....

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



DEFENDANTS' REQUEST FOR SPECIAL FINDINGS
NUMBER THIRTEEN-B

Now come defendants at close of all the evidence and before the Court's charge to the jury and move the Court to direct the jury to return a special verdict and answer specific questions pursuant to Sections 458 and 459 of the Civil Practice Act, one of which issues defendants request the Court to submit is, to wit:

Do you find from a preponderance of the evidence that the article entitled "Snares" published in the WATCHTOWER magazine of November 15, 1939 was published without probable cause?

(Answer, It was without probable cause; or, It was not without probable cause.)

ANSWER: We, the jury, answer .....

By the term "probable cause" is meant a reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief that the person mentioned in the publication is guilty of the things with which he is charged in the article. For one to have probable cause for publishing an article which is privileged, it is not necessary that the one publishing the same should have before him legal evidence of the suspected wrongful conduct. It is enough that the apparent facts that have come to the attention of the publisher are sufficient in the circumstances to lead a reasonably discreet and prudent person to believe the statements made were correct.

Respectfully requested,

HAYDEN C. COVINGTON
Attorney for Defendants



(CASE CLOSED)

(Whereupon an adjournment was taken to May 27, 1943 at 9:30 a. m.)

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## The Court's Charge

May 27, 1943,
9:20 A. M.

CASE CONTINUED

(The Court charged the jury as follows:)

UMBERTA, J.: Members of the Jury: It has been a long trial, and at the outset I want to commend you for the attention you have given, for the patience you have shown, and on behalf of the Court I want to thank you for the time you have spent and the sacrifice that I know was necessary because of the time spent.

I want to impress on you, first of all, that a true administration of justice is the firmest pillar of good government, and that you are here, as am I, to see that justice is done. We are not trying here anything except a libel suit.

The plaintiff in this case says he is entitled to money damages because of the libels that he alleges the defendants published. The defendants say he is not entitled to money damages. It is up to you to determine, under the evidence you have heard and under the law which I shall give you, whether or not he is entitled to damages or whether the defendants are right. You are not here to try Jehovah's witnesses. You are not here to try any religion, sect, cult, creed,



faith, or anything else. You are here to do justice. These are two litigants, nothing else, the plaintiff and the defendants. It is strictly an impersonal matter. They both stand even in this court. The popularity or lack of popularity of either or both is no concern of yours or mine. You are to do justice without favor, without prejudice, without bias, without sympathy. Justice, remember that word.

I want to thank both counsel for the gentlemanly way in which this case has been tried. Often in a case as long as this, patience becomes short or nerves become taut, and often the lawyers or the Court lose their temper. Very fortunately that has not happened in this case, and I think both counsel are to be commended for the way they tried the case, the gentlemanly way they conducted themselves, the able way that they prepared it, and the able way in which each tried his portion of the case.

We are still operating under the American theory and its Bill of Rights which guarantees to all, among other things, freedom of worship. In other words, all in this great country are entitled as a matter of right to worship as they please. My religion, faith, or lack of it is no concern of yours. Yours, or lack of it, is no concern of mine. The parties here we are not concerned with. We are not concerned with their faith, religion, or whatever you would call it. We are only concerned with trying a libel suit, nothing else.

Because of the number of witnesses produced, the Court will not mention any of the witnesses by name except the plaintiff, and I mention him



not as a witness but as a party. And because of the vast amount of testimony and the fact that my memory is apt to be wrong, the Court will not comment on the evidence.

Under our system of jurisprudence, there are two functions in this sort of trial, yours and mine. I may not encroach on your function, and, conversely, you may not on mine.

You are the sole and exclusive judges of the facts in this case and the sole and exclusive judges of the credibility of the witnesses. The law you must take from me, notwithstanding any idea, any opinion, or any thoughts that you have to the contrary. In other words, the facts are yours, the law is mine. If I make any mistake in stating the law which is applicable to the facts in this case, there are courts of review which may correct those errors.

It is not what either lawyer says regarding the facts or what I say regarding the facts that counts. It is your recollection, your observation of the witnesses, what they said on the stand, their demeanor, and what you saw, that controls. Their manner of testifying, their apparent candor or frankness, or lack thereof, their opportunities for observing the facts to which they testified, and the probability or improbability of the truth of their several statements in view of all the other evidence, facts and circumstances proven at the trial, these are all to be considered in determining whether they testified correctly or not.

Lawyers have a legal right to address you before the trial starts, to give you their respective claims, and to address you after all the evi-



dence has been produced, and to give you what they think are the soundest and best reasons for their contentions. You are not bound by these contentions. You have a right to consider them, but if your recollection is different your recollection must control.

I might also state that if you believe that I have any opinion on the facts in this case, disabuse your minds of that belief, because I emphasize again that it is your recollection of the evidence which must control independently of anything stated with reference to the facts by either counsel or the Court.

If you find that any witness in this case has knowingly and wilfully testified falsely as to any material fact, then you have a right to disregard all or any part of that witness's testimony, and certainly you must disregard that part that you find he testified falsely.

Of course, the plaintiff and the individual defendants themselves who have testified are all interested witnesses. Whether a witness is interested or disinterested, it is your duty to examine the testimony of each, and it is your right and prerogative to give it whatever credit or weight you believe it is entitled to.

In determining the weight to be given to the testimony of the witnesses, you should consider their relationship to the parties, if any, their interest, if any, in the result of this case, their temper, feeling or bias, if any has been shown, their demeanor on the witness stand, and their means and opportunity of information, and the probability or improbability of the story told by them.

Later in this charge I will mention fair preponderance of evidence, and I think at this time I should explain to you just what is meant by a fair preponderance of the evidence.

A fair preponderance of the evidence or weight of the evidence does not depend on the number of witnesses to a given fact, but it depends upon the amount of credibility that you give to the testimony of one or all the witnesses in the case. The questions are, What did the witness swear to, how much did he know, was he positive or uncertain or equivocating; what were his means of knowledge about the matters he testified to, and what is the character of the witness for truthfulness; is he credible?

Other things being equal, the greater number of witnesses testifying in the same way about the transaction in question would ordinarily carry the greater weight, but whether things are equal depends upon the degree of weight which you generally may give to the several witnesses.

I might also state at this time that the plaintiff must establish his allegations to your satisfaction. I do not mean to say that the plaintiff must exclude from your minds all possible doubt, but I mean to say this: That when you have heard all the testimony, and if you cannot reach the conclusion that the evidence of the plaintiff preponderates over that of the defendants' on that issue, then on that issue you must find for the defendants. The justice of this rule is perfectly plain because the plaintiff sues for money damages, and before you take money from the defendants, you must find that he has established his case.



This action is brought by the plaintiff, Moyle, for libel. Libel is the publication of any written statement which holds the plaintiff up to the hatred, contempt, ridicule or scorn of his fellow men.

Publication of a libel is the communication of the defamatory writing to some third person or persons. In otherwords, the defamatory writing is not published if it is read by no one but the parties, in other words, the plaintiff and the defendants. It is published, however, as soon as it is read by anyone else. Of course, before the plaintiff can recover in this action for libel, he must show that there was publication of the alleged libelous articles.

In this case there are two alleged libels, the article referred to here, as you well remember, called "Information," published in the "Watch Tower" of October 15, 1939, and the article referred to here as "Snares," published in the "Watch Tower" of November 15, 1939.

It is not for you to say whether or not these articles are libelous. That has already been passed upon in this case. The law in this case is that the two articles referred to are libelous.

Nor is there any question that the articles were published in the "Watch Tower" Magazine.

The plaintiff in his first cause of action sues the Watch Tower Bible & Tract Society of Pennsylvania, the Watch Tower Bible & Tract Society of New York, and the individual defendants. I shall not call them by name because it is not necessary.

If you find that he is entitled to a verdict on the first cause of action, which concerns the



article "Information," your verdict with respect to that cause of action shall be for the plaintiff against all the defendants, because all the defendants concededly participated in this publication.

With respect to the second cause of action, however, if you find that the plaintiff is entitled to recover, your verdict shall be for the plaintiff and against the two corporations only, for the reason that the Court has already dismissed the complaint in the second cause of action against the individual defendants.

In other words, the first cause of action, if you find for the plaintiff—and the fact that I mention this does not indicate that I have any feeling that you should find for the plaintiff, but just so that we keep the record straight—the first cause of action, if you find for the plaintiff, it is against the two corporate defendants and the individuals. The second cause of action, if you find for the plaintiff—and once again that is no indication that I feel that you should find for the plaintiff—it will be against only the two corporate defendants.

Your verdict, therefore, will be for the plaintiff on the first cause of action for such sum as you find the plaintiff shall have against all the defendants, if you find he is entitled to a verdict under the rules which I shall give you, or for the defendants if you find he has failed to establish his first cause of action.

Similarly, on the second cause of action, your verdict will be for the plaintiff for such sum as you find the plaintiff shall have against the two corporate defendants, if you find he is en-



titled to a verdict under the rules which I shall give you, or for the corporate defendants if you find that the plaintiff has failed to establish his second cause of action.

If you find that the plaintiff is entitled to recover under the rules which I shall give you on his first cause of action, you need not of necessity find that he is entitled to recover on the second cause of action, and, conversely, if you find for the defendants on the first cause of action under the rules which I shall give you, you need not of necessity find that the defendants are entitled to a verdict on the second cause of action. There are two libels. You are to decide both of them separately.

You will render two verdicts, one on the first cause of action and one on the second cause of action. Your verdict will be for blank dollars as against all defendants on the first cause of action, or verdict for all defendants; and on the second cause of action, your verdict will be for blank dollars against the corporate defendants only, or verdict for the corporate defendants.

The statements complained of by the plaintiff being libelous, the law says plaintiff is entitled to damages unless the statements are justified or excusable.

In this case the defendants claim that the statements are the truth and, therefore, are justified, and that the plaintiff has no right to complain of their publication, and hence is not entitled to damages.

The burden of proving the truth of the statements contained in the two articles complained of is on the defendants in each instance.



In order that the defendants' claim of justification be sustained, it is necessary for the defendants to show that the charges made in the articles are in fact true.

However, justification, to be a complete defense, must be as broad as the charges. The defendants, to be successful in this defense, must substantially justify all the defendants complained of by the plaintiff as the truth; that is to say, that the proof offered by the defendants must show that the charges made against the plaintiff were true, measured by the understanding of the words used by ordinary men in the ordinarily accepted sense of the words used.

If you find with respect to the libel first alleged that the defendants have shown that the charges were true, your verdict on the first cause of action must be for the defendants. And so also with the second cause of action. If you find that the defendants have failed to justify, that is, to prove the truth of either of the alleged libels by a fair preponderance of the credible evidence, then you may proceed to the next question, which is the question of privilege.

The defendants contend that in any event these two publications were subject to a qualified privilege; that is to say, that the communications were made in good faith and in the honest belief of their truth, and they were made without malice, and were made by them only to other persons having a mutual interest with the defendants in the subject matter of the communications.

It is for you to say whether the defendants acted in good faith, and whether they honestly believed that the charges made were true, and



whether they published them only to persons having a mutual interest with the defendants in the subject matter.

If you believe that such were the facts, and that the defendants proved this by a fair preponderance of the credible evidence, and that they acted without malice, then the defendants would not be answerable in damages.

If, on the other hand, you conclude that the defendants did not act in good faith, or were motivated by malice, or made the charges recklessly, then there is no defense of privilege in this case, and you should proceed to the next question, which is fair comment and criticism.

The defendants contend that these articles were published as a comment on and an answer to a letter dated July 21st from Moyle to Rutherford. I will not comment on that letter. It has been read here. You know the letter. Both counsel have examined witnesses very thoroughly on it. That letter contains certain charges. So that there will be no question in your minds, that is the letter from Moyle to Rutherford.

If Moyle, the plaintiff, circulated and published his letter before the libels were published —and the libels here are the libels of October 15th and November 15th, the articles called "Information" and "Snares"—then he must prove the truth of his letter by a fair preponderance of credible evidence. If he did not publish it and circulate it before these articles, then he does not have to prove the truth of those statements.

The plaintiff contends that these charges were

contained in a sealed envelope which was addressed to Rutherford and delivered in this sealed condition in the customary way, and that the charges contained therein were not published by him, the plaintiff, but were published by Rutherford and the other defendants. I am sure you will recall the testimony on that, and once again I am not going to attempt to comment on it.

There is a question of fact for you to determine in so far as these matters are concerned, for these defendants contend that Moyle circulated his charges before the alleged libels were published, and that the publication complained of constituted merely fair comment on and a fair answer to the charges made by Moyle.

It is for you to say whether or not Moyle published and circulated his letter of July 21, 1939, addressed to Rutherford, which has been referred to continuously throughout the trial, before the libels were published by the defendants, and whether this be so or not, and after reading Moyle's letter and the alleged libels and considering all the evidence which you have heard, if you conclude that the alleged libels constituted merely fair comment on and an answer to Moyle's letter, then the defendants would not be answerable in damages.

If on the other hand the defendants failed to establish by a fair preponderance of the credible evidence that the publications complained of were not merely fair comment and criticism, but went beyond the bounds of fair comment and criticism into an unwarranted at-



tack upon Moyle, then the defendants' defense of fair comment and criticism fails.

In considering the defense of fair comment, if the comment went beyond the bounds as described before, the fact that it was not malicious, if you find that to be the fact, does not make out this defense. In other words, taking all the circumstances into consideration, have the defendants shown that their article was merely a fair reply to Moyle's letter? If you find that this has not been made out by a fair preponderance of the credible evidence, and if you find that the plaintiff's case has been made out by a fair preponderance of the credible evidence on the entire case, you may then consider the question of damages.

The fact that I charge you on the question of damages is not to indicate to you that I feel you shall or must find for the plaintiff, nor does it indicate to you that I feel that you shall or must find for the defendants.

If you find the plaintiff is entitled to damages under the rules I have given you, you may award him such sum as you find will reasonably compensate him for whatever actual loss you may find he has sustained, as well as compensatory damages for the injury, if you find any has been had, which has been done to his character.

In addition to this, if you find that the libels or either of them were malicious, you may award in addition exemplary or what is known as punitive damages; that is, damages by way of punishment of the defendants for maliciously injuring the character of the plaintiff.



If you find that there was no malice and that the defendants acted in good faith, no punitive damages may be awarded.

The plaintiff is not entitled to punitive damages unless you find he is entitled to some amount of compensatory damages no matter how small. The amount of compensatory damages, in order to receive punitive damages, may be small, but as long as the plaintiff is entitled to any compensatory damages, you have a right to award punitive damages in proportion to the actual malice displayed.

Punitive damages are awarded to punish the defendants for venting malice against a fellow creature. Here is one point on which Christian principle and legal obligations coincide.

For expressing actual malice without justification, the defendants are punished with punitive damages because they have failed to treat their brothers as they would like to be treated themselves.

The defendants plead in mitigation of damages that they acted in good faith and without malice. That is for you to determine. If you find that they in fact did act in good faith and without malice, you may not award punitive damages. If you find that they did not act in good faith and did act with malice, you may award punitive damages.

You deal with this case impartially. These two litigants stand here exactly alike. They might just as well be John Doe and Jimmie Roe.

As I pointed out before, you are not to be swayed in the slightest degree by any bias, prej-



udice, sympathy or favor. You go through the testimony and the exhibits and find out what the facts really are and base your decision impartially on that, just as you would want done if you had a case in our courts next week and were submitting it to a jury. That is the only way, ladies and gentlemen, that we can administer justice.

Please keep in mind that this case has taken a long time to try, and in consequence, you should give it serious consideration and endeavor to arrive at a fair and proper verdict.

Please keep in mind also that with regard to all issues in the case, ten of your number may decide all questions. When ten of you have agreed on your verdict, you may return to the court room and deliver your verdict. In other words, no unanimous verdict any more. I am sure you know that. It is a five-sixths verdict. When ten of you have agreed, notify the Clerk.

And exceptions, first?

The Clerk has called my attention to one thing: You understand that you are to bring in two verdicts, one on the first cause of action, either a lump sum for the plaintiff, or for all defendants; in the second cause of action, either a lump sum for the plaintiff or for the corporate defendants.

Exceptions first.

Mr. Covington: Shall I make them in the presence of the jury?

The Court: Yes, please.

Mr. Covington: We except to your Honor's charge because of having failed to define the term "malice" to the jury.



The Court: Do you want to submit a definition of the word "malice"?

Mr. Covington: Yes, I will do that.

The Court: Submit it.

Mr. Covington: We take an exception also to that part of the charge which advises the jury that if they find that Mr. Moyle did not publish his letter before the October 15th and November 15th "Watch Tower" that the burden will not be on him to prove the falsity of the charge.

The Court: Exception to the defendants.

Mr. Covington: Because the burden, we say, is upon the plaintiff.

The Court: You are just excepting now. Exception to the defendants.

Mr. Covington: Next we except to that portion of the charge where the Court said that fair comment is limited to reply.

The Court: I do not think I said that. May I read you the exact words? I have it written out. Now, what is your—

Mr. Covington: My recollection was that the Court said to the jury that unless the jury finds that the publications were in reply to Mr. Moyle's letter, that there could not be a fair comment. Did you make that statement in the charge?

The Court: Here is exactly what I said:

"The defendants contend that these articles were published as a comment on an answer to a letter dated July 21st from Moyle to Rutherford which contains certain charges and criticisms by Moyle of the defendants." Do you want an exception to that?

Mr. Covington: Yes, your Honor.

The Court: Certainly.



Mr. Covington: And also we take exception to so much of the charge that the defendants had a right to comment only in case Moyle published the letter of July 21st. That is the same exception.

Now, with reference to punitive damages, we except because the Court has failed to instruct the jury to return separate verdicts on punitive and actual damages, and there is no way to determine—

The Court: You may have an exception.

Mr. Covington: Also we except to that portion of the Court's charge where an effort is made to define the term "malice" in connection with whether or not there should be punitive damages.

The Court: I am asking you to submit your definition of the word "malice", and if it is anything within reason, I will submit it to the jury. You may take a minute to do that.

Mr. Covington: I want to call your attention to that statement made in the latter part of the charge with reference to punitive damages where you stated to the jury that the defendants should treat a brother as they would like to be treated themselves.

The Court: I did say that here is one point on which Christian principle and legal obligations coincide. For expressing actual malice without justification, the defendants are punished with punitive damages because they have failed to treat their brothers as they would like to be treated themselves.

Mr. Covington: We except to that because it assumes and is a comment that the defendants failed to treat him—

The Court: Wait a minute. There is no intention on the part of the Court to indicate that. I am sorry. There was no attempt on the Court's part to indicate or to even suggest, or whatever word you want to use, I cannot be expressive enough about that, there is no indication by that wording that the defendants failed to treat this man as they would like to be treated. (Addressing the members of the jury): That is for you, not for me.

Mr. Covington: That is satisfactory.

The Court: Let us have your definition of "malice." In the meantime I will hear Mr. Bruchhausen's exceptions.

Mr. Bruchhausen: I have no exceptions except some requests, if your Honor please.

The Court: Not requests yet. I am going to take the defendants first on the requests.

Mr. Covington: The defendants request you to charge No. 25, if your Honor please.

The Court: The defendants have asked me to charge that by the term "actual malice" is meant that publication results from ill will or some wrongful motive, from willingness or intent to injure.

If you mean such a reckless or wanton disregard of another as is equivalent to ill will, I so charge.

Mr. Covington: I have numerous requests, your Honor, and I will ask them by number. We would like to have the Court submit defendants' request to charge No. 16.

The Court: May I state for the record that any of the hundred or more charges that were submitted in writing to the Court several days



before he started to charge will be mentioned by number, and if I refuse to charge, I shall hand it to the Clerk and so indicate, and the defendants will have an exception as to that.

Defendants' request No. 16 I refuse to charge. Exception to the defendants.

(Defendants' request to charge No. 16 is as follows: "That in considering the article entitled 'Snares', the entire article must be read, and not merely the paragraphs upon which plaintiff relies; its scope and proportion must be looked into, because the law cannot take words from their setting and association; detached statements cannot be set apart to destroy the character of the whole; words are to be construed by giving them their ordinary meaning.")

Mr. Covington: No. 19b.

The Court: I will charge No. 19b. May I ask you if you do not want to amend that? I have noted on mine that that has to do only with the second cause of action.

Mr. Covington: Yes.

The Court: This is only for the second cause of action: "That the charge against plaintiff is that as a lawyer and one of Jehovah's witnesses, he did not look well to and defend his brethren. If you find that to be true, it is not material for what reason he did so."

I so charge. The last sentence I refuse to charge because that is for the jury, not for me—well, I will charge it:

If you find he so failed your verdict will be for defendants," as to the second cause of action. I so charge.

Mr. Covington: No. 16.



The Court: You have given me that. I have refused to charge that. Will you keep a record of these numbers so that you can check them with the stenographer and see that they all go into the record?

Mr. Covington: Yes, your Honor.

No. 51.

The Court: I refuse to charge that. That is a matter strictly for the jury, in the Court's opinion. Exception to the defendants.

(Defendants' request to charge No. 51 is as follows: "You may consider that the articles do not attack the general ability or competence of plaintiff as attorney, but are limited to his failure as a member of Jehovah's witnesses to defend other brethren, as set forth in the article 'Snares'.")

Mr. Covington: 57 next.

The Court: I refuse to so charge in the language of the request. Exception to the defendants.

(Defendants' request to charge No. 57 is as follows: "In arriving at your verdict the article entitled 'Snares' did not refer to the plaintiff in his general competence and ability as a lawyer in handling litigation. In determining the question, the meaning of the article 'Snares' and whether or not the defendants have proved the truth or justification of said article 'Snares', you will not consider that defendants charged the plaintiff with general incompetence, for the defendants neither charge nor contend



that the plaintiff was thus generally incompetent.")

Mr. Covington: No. 67.

The Court: I refuse to so charge. It is strictly for the jury.

(Defendants' request to charge No. 67 is as follows: "In determining whether or not the plaintiff, while conducting the trial of the preliminary hearing in the case of *People* vs. *Heath et al.*, acted as a 'good fellow' and conducted the case in such manner as to win the approval of others, particularly those opposing him, you are instructed that you must take into consideration all of the facts and circumstances surrounding the entire trial and you are not confined in determining this question to the black and white words reported by the court stenographer attending said hearing, but you should consider any other evidence that was offered in connection with the plaintiff's conduct, and if you find and believe, from the preponderance of evidence, that the plaintiff conducted himself in such a manner as described in the article entitled 'Snares', then you may find that all other remarks and statements contained in the article 'Snares' of and concerning the plaintiff's conduct on that occasion are proper deductions from his conduct and as fair comment upon his action in connection with the trial of said preliminary hearing.")

Mr. Covington: 71.

The Court: I will charge that.



"The defendants do not contend that the plaintiff was generally incompetent and negligently handled matters and the affairs of said Society and Jehovah's witnesses prior to the incident of the Madison Square Garden, and I charge you, as a matter of law, that the entire complaint and publication was limited to the improper handling of the one particular case, which grew out of the Madison Square Garden incident."

Don't you want to add "in so far as the second cause of action is concerned"?

Mr. Covington: Yes, "in so far as the second cause of action is concerned."

The Court: I so charge.

Mr. Covington: No. 14.

The Court: I refuse to charge except as already charged.

(Defendants' request to charge No. 14 is as follows: "If you find or believe, from a preponderance of the credible evidence, that the things published of and concerning the plaintiff in the article entitled 'Information' and repeated in the article entitled 'Snares' are the truth, then you will find for the defendants. In order to establish the defense of 'justification' or 'truth', it is not necessary that each and every immaterial and irrelevant fact contained in the article should be found to be the truth, but it is sufficient if you find and believe, from a preponderance of the evidence that the article entitled 'Information' is substantially as broad as the charge; that is to say, that if you find and believe, from a preponderance of the evi-



dence, that the plaintiff proved faithless to his trust, as one of Jehovah's witnesses and falsely libeled the President and the family at Bethel and thereby acted in a manner as did Judas, and spoke evil against the organization, and became a murmurer and complainer, and thereafter furnished information to the enemy that they could use and did use against the Lord by maligning the organization and his brethren and that the plaintiff became an 'evil servant' and put himself in opposition to God's government and, according to the beliefs of Jehovah's witnesses, put himself in the position of committing a sin, the result of which condemned him to a second death, you will find a verdict for defendants. It is not necessary that each of these charges be precisely true, but it is sufficient, if you find and believe that each of them is substantially true. If you find and believe that the defendants have, (by a preponderance of the evidence) established the truth of each of these charges published in the article entitled 'Information', so near the facts as published, then you cannot resort to fine and shaded distinctions of words, nor can you press the words out of their ordinary usage to sustain the charge of libel, for no legal harm has been done in the article 'Information' if the truth of the facts are substantially true.")

Mr. Covington: No. 18.

The Court: I refuse to so charge except as already charged.

(Defendants' request to charge No. 18 is as follows: "That if the jury find that the plaintiff in the defense of Heath, Orrell and Col-

angelo in the Magistrates' Court, did not conduct said defense vigorously, but sought to compromise the rights of defendants; if knowing that special counsel assisting the District Attorney in the prosecution of such members was one of the enemies of Jehovah's witnesses and had taken part in the attempt to break up the Madison Square Garden meeting, he acted familiarly and in a friendly manner with such counsel; if plaintiff showed to such counsel and to the Assistant District Attorney a confidential written paper prepared by Heath solely as a guide for plaintiff in the defense of Heath; if plaintiff suggested to Orrell that he might plead guilty and pay a small fine and thus avoid time and trouble and a possible conviction, then the charge that plaintiff as one of Jehovah's witnesses and attorney sought the approval of men and made himself a 'good fellow' and failed to look well to the defense of his brethren was true and the verdict must be for defendants.")

Mr. Covington: No. 19.
The Court: I will charge that.

"That it is for the jury to decide if the article 'Snares' referred to plaintiff only as a part of an article illustrating how a member of Jehovah's witnesses may become the victim of snares and pitfalls. That it is for the jury to say whether the references to plaintiff were made in his character as a consecrated member of Jehovah's witnesses and only incidentally in his profession as a lawyer."

The Court: I so charge.
Mr. Covington: No. 19a.



The Court: I refuse to so charge except as already charged.

(Defendants' request to charge No. 19a is as follows: "That it is established by the evidence that in June, 1939, an assembly of Jehovah's witnesses was held at Madison Square Garden, New York City. That prior thereto, threats to disturb said assembly had come to the attention of the directors. That plaintiff, as a member of and counsel of the Society, with other members thereof, visited the police to secure protection from such anticipated disturbance. That said members were told that the Society would receive no protection inside the building. That at said assembly, a number of persons, known as Coughlinites, attempted to break up said assembly. That among them was one, a lawyer, named MacDonald; that a fight took place; and, as a consequence, three of Jehovah's witnesses were arrested by the police upon charges made by

That said Jehovah's witnesses so arrested were Heath, Orrell and Colangelo. That said persons were arraigned in the Magistrates' Court. That the charge against Orrell and Colangelo was simple assault, and against Heath felonious assault. That plaintiff as the counsel of the Society was charged with the duty of their defense, together with one Wheless, an attorney, and undertook their defense. That said MacDonald appeared as attorney against the defendants and on behalf of the complainants to prosecute said complaint with an Assistant District Attorney. That before the hearing in the Magistrates' Court, plaintiff, who was himself one of



Jehovah's witnesses, a consecrated person and a lawyer, was informed that MacDonald was an enemy of the Society and one of those who had sought to break up the Madison Square Garden assembly. That prior to said hearing the defendant Heath gave to plaintiff, as his attorney, a statement of the facts, for plaintiff's assistance in his defense. That during said proceedings plaintiff and said Wheless discussed with said MacDonald the matter of adjournment. That plaintiff placed his arm on MacDonald's back. That later upon said hearing, with plaintiff's knowledge and concurrence, the statement which Heath had given to plaintiff, was handed by Wheless to the said MacDonald who placed the same in evidence on said hearing, against said Heath.

That later a discussion took place between plaintiff and Orrell as to Orrell interposing a plea of guilty and paying a small fine.

The article 'Snares' contains these sentences: 'If a man claims to be consecrated to God and is a lawyer and appears in Court as counsel for another consecrated person, and then conducts himself and the case on trial in such a manner that he might receive the approval of other men in the Court, such lawyer is a man pleaser and proves his unfaithfulness to God and to the Kingdom.' 'One who fails or refuses to look well to and defend the interest of a Christian, and does so in order that he might appear as a good fellow in the eyes of other men, is therefore the enmy of Christ. What God requires of his servants is to be wholly devoted to him and his Kingdom. There can be no proper course of



compromise with any part of Satan's organization.'

I charge you, that it is for you as triers of the fact, to determine in your mind whether the facts above set forth do or do not show that plaintiff was seeking the approval of others in the court room, and was a 'man pleaser' and whether or not the plaintiff failed to look well to and defend the interests of his brethren, and whether or not he failed to do so in order to appear as a 'good fellow'.")

Mr. Covington: No. 2.
The Court: I refuse to so charge.

(Defendants' request to charge No. 2 is as follows: "That in considering the article 'Information' the jury must consider the entire article, and not merely the two paragraphs upon which the plaintiff relies. The entire article must be read, its scope and proportion, purpose and meaning must be looked into, because the law cannot take words from their setting and association; detached statements cannot be set apart to destroy the character of the whole article. Words are to be given their ordinary and natural meaning.")

Mr. Covington: No. 3.
The Court: I refuse to so charge.

(Defendants' request to charge No. 3 is as follows: "That according to the reasonable and natural construction, the article 'Information' did not refer to the plaintiff in his capacity as general counsel. Said article judged upon its face plainly refers to plaintiff in his private and



individual capacity as a member of the Watch Tower Bible and Tract Society and as one of Jehovah's witnesses. That said article 'Information' charges the plaintiff, as a member of Jehovah's witnesses who held a position of trust and confidence, with having written and circulated a letter filled with false, lying, slanderous and libelous statements against the President and the family of the Society at Bethel, and that as a consequence of having so attacked the family at Bethel, that he identifies himself with the Society's enemies, betrays his trust by furnishing the Society's enemies with material against it, and becomes a traitor to it, and that he must choose whom to serve, it or its enemies.")

Mr. Covington: No. 4.
The Court: I refuse to so charge.

(Defendants' request to charge No. 4 is as follows: "That in the letter of plaintiff dated July 21st, 1939, the plaintiff made charges against the President and the family at Bethel, which charges were plainly slanderous and libelous.")

Mr. Covington: No. 5.
The Court: I refuse to so charge.

(Defendants' request to charge No. 5 is as follows: "That unless all of said charges were true, then plaintiff was guilty of having libeled and slandered the President and the family at Bethel.")

Mr. Covington: No. 6, your Honor.
The Court: I refuse to so charge except as already charged.



(Defendants' request to charge No. 6 is as follows: "That the burden of proving said libelous charges made by the plaintiff against the President and the family at Bethel to be true is upon the plaintiff. And plaintiff must prove said libelous charges to be true by a preponderance of the credible evidence.")

Mr. Covington: No, 7, your Honor.
The Court: I refuse to so charge.

(Defendants' request to charge No. 7 is as follows: "That if the plaintiff has failed to prove the charges so made in his letter of July 21, 1939, by such preponderance of the credible evidence, then the verdict upon the article 'Information' in plaintiff's first cause of action, and upon the repetition of the charge that plaintiff had libeled the family at Bethel contained in the article 'Snares', in plaintiff's second cause of action, must be for defendants.")

Mr. Covington: No. 8.
The Court: I refuse to so charge.

(Defendants' request to charge No. 8 is as follows: "That if the jury are in doubt as to the truth of the charges made by plaintiff against the President and the family at Bethel then the verdict on plaintiff's first cause of action and the verdict upon so much of plaintiff's second cause of action as is based upon the repetition of the claim that plaintiff libeled and slandered the family at Bethel must be for defendants.")

Mr. Covington: No. 9.
The Court: I refuse to so charge.

(Defendants' request to charge No. 9 is as follows: "That the plaintiff in said letter of July 21st, 1939, made charges of civil practices against the family at Bethel. That proof of one or two acts, by individuals is not sufficient to sustain such charges. That an occasional or separate or isolated act does not constitute a practice.")

Mr. Covington: No. 9a.
The Court: I refuse to so charge.

(Defendants' request to charge No. 9a is as follows: "That in considering the charges made by plaintiff in his letter of July 21, 1943, the jury must consider the intent and purpose of the plaintiff; that it was written allegedly to expose conditions and practices at Bethel which, if true, were a severe indictment of the management practices and manner of living of a body of persons, who were the leaders and headquarters' staff of a society, claiming to live according to the precepts of the Bible, as Christians. That if the plaintiff has failed to prove to the jury the truth of all of said charges, then as to the charge, he failed to prove, he slandered the Family at Bethel, and the verdict must be for defendants.")

Mr. Covington: No. 10.
The Court: I refuse to so charge.

(Defendants' request to charge No. 10 is as follows: "That plaintiff in his letter of July 21st, 1939, made charges of different degree and seriousness. That proof that the President suspended an alleged rule concerning the right of a



person to bring his or her spouse into Bethel or at times chastised a brother, would not be proof of the charges that the President lived in luxury or that filthy and vulgar language was used by members of the family, or indulgence in alcohol was practised by members of the family and that said practices were approved and encouraged by the defendants.")

Mr. Covington: No. 11.
The Court: I refuse to so charge.

(Defendants' request to charge No. 11 is as follows: "That unless the plaintiff has proved by preponderance of the credible evidence the truth of the charges he made in his letter of July 21, 1939, in regard to the approval of the practice of the use of vile and filthy language and the indulgence of the members in alcohol and the approval and encouragement of such practices by the defendants at Bethel, and the living in luxury by the President, then the verdict on the plaintiff's first cause of action, and the verdict upon so much of plaintiff's second cause of action as is based upon the claim by defendants that plaintiff libeled the family at Bethel, must be for the defendants.")

Mr. Covington: No. 12.
The Court: I refuse to so charge.

(Defendants' request to charge No. 12 is as follows: "That the plaintiff made many serious and libelous charges against the President and family at Bethel of evil practices. If the plaintiff has failed to prove the truth of any one of said libelous charges, then said unproved charge



was unfounded and untrue, and as to such unfounded and untrue charge, plaintiff libelled the family at Bethel, and the defendants were justified in their publication that plaintiff had libeled the family at Bethel and the verdict on plaintiff's first cause of action and the verdict upon so much of plaintiff's second cause of action as is based upon defendants' repetition of the claim that plaintiff libeled the family at Bethel, must be for defendants.")

Mr. Covington: No. 13.
The Court: I refuse to so charge except as already charged.

(Defendants' request to charge No. 13 is as follows: "The defendants for a first complete defense rely upon the truth of the article entitled 'Information'. This defense is in law what is known as 'justification'. Trust is an absolute and complete defense to an action for libel. If a charge made against plaintiff is true, that ends his case. Defendants may publish the truth at any time, or place and in any manner. You cannot consider defendants' motives in so publishing the truth. If you find that plaintiff in his letter of July 21st, 1939, made one false serious charge against the family at Bethel, then the defendants had a right to publish, as often and in any way they desired, that plaintiff had libeled the family at Bethel, and regardless of the defendants' reasons or motives in so publishing, the verdict must be for defendants on that branch of the case.")

Mr. Covington: No. 15.
The Court: I refuse to charge except as already charged.



(Defendants' request to charge No. 15 is as follows: "In the event that you find, from a preponderance of the evidence, that the article 'Information' was the truth and justified, then you cannot take into consideration the motives of defendants, whether the article was published with malice, because if the truth is established, malice is immaterial, and it would be your duty to return a verdict for defendants regardless of whether or not there was malice. ')

Mr. Covington: No. 15a.
The Court: That is for the jury to determine the facts. I refuse to so charge.

(Defendants' request to charge No. 15a is as follows: "That plaintiff had no personal knowledge of the rooms or home assigned to Judge Rutherford, president of the Watch Tower Bible Tract Society at Staten Island, nor upon the Kingdom Farm. That plaintiff had been in but one other room on said farm. That no member of Jehovah's witnesses had ever complained of the quarters assigned to him, either to plaintiff or the Society. That if the jury, in the light of said facts, find that plaintiff made a charge, implying that the president lived in a state far above the other members and thus practiced discrimination, then if the jury find said charge to be false, the plaintiff was guilty of slandering the president and the Society, and the verdict on that branch of the case must be for defendants.")

Mr. Covington: 15b.
The Court: I refuse to so charge.



(Defendants' request to charge No. 15b is as follows: "The evidence shows that on two occasions in four years plaintiff claims to have heard vulgar language used by a member of the Family at the table. That there were about two hundred persons at Bethel who ate three meals a day. That there is no evidence that Judge Rutherford used vulgar or filthy language at the table. That plaintiff's charge is without proof to sustain it. That plaintiff having made such false charge, was guilty of slandering the Family at Bethel and the verdict must be for defendants on this branch of the case.")

Mr. Covington: 15c.
The Court: I refuse to so charge.

(Defendants' request to charge No. 15c is as follows: "That if the jury find that plaintiff has failed to prove the filthy and vulgar jokes and language at the table at Bethel was regularly used by the members then the charge so made by plaintiff was false, and the plaintiff was a slanderer and the verdict must be for defendants on this branch of the case.")

Mr. Covington: 15d.
The Court: I refuse to so charge.

(Defendants' request to charge No. 15d is as follows: "That it appears from the rules of the Society, that the president had authority to relax said rules. That plaintiff had bound himself to abide by such rules. That the president had a secretary who was of great assistance to him. That she resided at Bethel. That she later married a member of the Society. That her hus-



band came to live at Bethel. That if the jury finds that plaintiff has failed to prove that the president was guilty of discrimination, then the charge made by the plaintiff was false and plaintiff slandered the president and the verdict must be for defendants upon this branch of the case.")

Mr. Covington: 15e.
The Court: I refuse to so charge.

(Defendants' request to charge No. 15e is as follows: "That it appears from plaintiff's testimony, that he never saw alcoholic liquor or beverages at Bethel and never saw anyone at Bethel under the influence of liquor. That if the jury finds that the charge concerning liquor at Bethel made by plaintiff was without personal knowledge and false, then the plaintiff had slandered the Family and the verdict must be for defendants on this branch of the case.")

Mr. Covington: 15f.
The Court: I refuse to so charge.

(Defendants' request to charge No. 15f is as follows: "That it is conceded that plaintiff had been entrusted with confidential matters and was a trusted member of the Society. That he lived at Bethel with his wife and son for four years. That on July 21, 1939 he delivered to the Society a letter, in which for the first time he made certain charges which, if untrue, were libelous upon the president and the Family at Bethel.

"If you find, upon all the evidence, that any one or more of said charges was untrue and false, then, as a matter of law, the plaintiff had made a false charge or false charges against the president and family at Bethel, and the charge in

'Information' that plaintiff was a liar, slanderer, libeler and maligner of his brethren was true, and that he thereby was giving the Society's enemies material with which to attack it was also true, and your verdict must be for defendants on that branch of the case.")

Mr. Covington: Now, your Honor, 59.

The Court: I refuse to so charge.

(Defendants' request to charge No. 59 is as follows: "You are instructed that in the plaintiff's letter dated July 21, 1939, he made certain charges against the organization, the headquarters' organization of Jehovah's witnesses, and the Bethel Home, and the individuals connected therewith. You are instucted, as a matter of law, that many of these charges are libelous, and the burden of proof is upon the plaintiff to sustain, by a preponderance of the evidence, the proof of each of those charges; and if he fails to so establish the proof of such charges, then you will be justified in holding and finding, as a matter of law, that the plaintiff did libel the Family of God at Bethel, as charged in the article entitled 'Information' published by the defendants.")

Mr. Covington: No. 20.

The Court: I refuse to so charge except as already charged.

(Defendants' request to charge No. 20 is as follows: "The defendants set up a complete defense of qualified privilege. Many times in human affairs it becomes necessary for one person to communicate to another, information which may



be defamatory. Even if the information turn out to be false, still the law recognizes certain relationships and situations which excuse the communication. These relationships and situations the law does not rigidly classify. They may arise in many different ways. When a communication is made under such circumstances, it is called a qualifiedly privileged communication. A privileged communication is a communication made in good faith and in the honest belief in its truth, upon any subject matter in which the party making the communication has an interest or in reference to which the party has a duty to make the communication to a person or party having a corresponding interest or duty to receive it. Even though the defamatory matter so communicated is later shown to be false, the law presumes it was made with good motives. Evil motives, actual malice, cannot be inferred from the act of publication or because the language used is harsh, severe or strong. In such a case, unless the plaintiff proves by a fair preponderance of the credible evidence, that the defendants made the communication, not to protect their interests, but solely from a desire to injure the plaintiff, the plaintiff fails in his case and the verdict must be for defendants. Even though such a communication turns out to be false, there can be no recovery by the person defamed if the person making the same did so in good faith and in the honest belief that the communication was true.")

Mr. Covington: No. 21.

The Court: I refuse to so charge except as already charged.



(Defendants' request to charge No. 21 is as follows: "The defendants claim that the evidence shows that Jehovah's witnesses collectively, throughout the United States and other countries, constitute an unincorporated organization composed of Christian people, each of whom has made a covenant with Almighty God to do His will according to God's revealed Word and purposes set forth in the Bible, and they are persons who serve Jehovah God in spirit and in truth, and their sole mission, defendants included, is to publicize the establishment of God's Kingdom on earth, that will bring peace, happiness and life to all who faithfully serve Jehovah God. They have no connection with any wordly organization or thing. Jehovah's witnesses and persons of good-will towards them meet in groups throughout the country for the purpose of Bible study and living accordingly. The instrumentalities organized according to law for the protection of the common interests of Jehovah's witnesses are the Watch Tower Bible and Tract Society of Pennsylvania and the Watch Tower Bible and Tract Society, Inc., of New York. That the headquarter of Jehovah's witnesses is located in Brooklyn, New York. That the headquarters staff of Jehovah's witnesses occupy and live in a building and are known to the members of Jehovah's witnesses as the Family at Bethel. The Society publishes a magazine known as 'The Watchtower'. This magazine is the official publication of Jehovah's witnesses and of the defendant corporations and is the chief and principal means of communication between the Society headquarters and Je-



hovah's witnesses throughout the United States and elsewhere. As the official publishers of 'The Watch Tower' for Jehovah's witnesses, it was the duty and moral obligation of the defendants to discover and resist any falsity or deception on the part of any person who claimed to be one of Jehovah's witnesses, and to publicize the facts they believed to be true concerning all who attack Jehovah's witnesses and the Watch Tower Bible & Tract Society, including the Family at Bethel, and to duly inform Jehovah's witnesses by said publication in said 'Watch Tower' magazine of such wrongful practices of others, all for the purpose of preventing discord and strife among Jehovah's witnesses, and to promote harmony and unity in the organization, so as to enable all to appreciate their responsibility and relationship to Almighty God and to their true brethren and to enable them to resist any cause of dissension and division among those in the organization.")

Mr. Covington: No. 22.

The Court: I refuse to charge except as already charged.

(Defendants' request to charge No. 22 is as follows: "The governing body of a Christian organization has the right to publish in its official publication statements of and concerning its members in regard to their conduct for the purpose of discipline and in the interests of the organization, although defamatory of the person referred to in said communication and although false, provided the matter is published to said members of the organization and is made in



good faith and with honest belief that such statements are true.")

Mr. Covington: No. 23.

The Court: I refuse to charge.

(Defendants' request to charge No. 23 is as follows: "That the communication entitled 'Information' as a matter of law was and is a privileged communication because the evidence shows that the communication was made by the defendants in the discharge of a private, legal and moral duty to inform all of Jehovah's witnesses of any believed or supposed disloyalty of one of their organization so as to promote harmony and unity in the organization and to enable Jehovah's witnesses to resist anyone who was likely to cause dissension or division among those in the organization. That as a matter of law the individual and corporate defendants acted in the scope of their duties and responsibilities toward and in their common interests with all the members of Jehovah's witnesses in publishing the article entitled 'Information' and that said publication was qualifiedly privileged.")

Mr. Covington: No. 24.

The Court: I refuse to charge.

(Defendants' request to charge No. 24 is as follows: "The article entitled 'Information' being so qualifiedly privileged, even though it be false in fact, in whole or in part, the plaintiff cannot recover unless the plaintiff establishes, by a preponderance of the credible evidence, that the defendants published said article with actual



malice on their part. In such case your verdict must be for defendants.")

Mr. Covington: No. 26.

The Court: I refuse to charge. That is strictly for the jury.

(Defendants' request to charge No. 26 is as follows: "That the article 'Information' being privileged, the burden of proof is upon plaintiff to prove that the charges made by defendants were false, and were known to be false by the defendants.")

Mr. Covington: 26a.

The Court: I refuse to charge. That is for the jury.

(Defendants' request to charge No. 26a is as follows: "That plaintiff has failed to prove the publication or sale of the Watch Tower to any person, not a member of Jehovah's witnesses or a person of good will.")

Mr. Covington: 26b.

The Court: I refuse to so charge.

(Defendants' request to charge No. 26b is as follows: "If the jury find that the Watch Tower, which is the official publication of Jehovah's witnesses and contains articles for Biblical study, was published only to consecrated members of Jehovah's witnesses and other persons interested in the Society and waiting with it for Bible study and the practice of Bible precepts, then the publication of the articles 'Information' and 'Snares' was qualifiedly privileged, and the plaintiff cannot recover unless he

proves actual malice on the part of the defendants.")

Mr. Covington: 27.
The Court: I refuse to so charge.

(Defendants' request to charge No. 27 is as follows: "In order to permit a recovery by plaintiff you must find and believe, by a preponderance of the credible evidence, that the defendants published the article 'Information' with actual malice and with a desire to injure the plaintiff, rather than to assist Jehovah's witnesses. Failure to establish truth does not constitute evidence of actual malice; the falsity of the article does not constitute evidence of actual malice; nor can actual malice be inferred from any strong or forceful language used in the publication. Actual malice cannot be inferred from the article or the fact of publication, or the falsity of it; actual malice can only be established by proof that defendants were actuated by motives of personal spite and ill will and by testimony independent of the occasion on which the article was published. In other words, you must find not only that the article was false, but that each defendant knew it was false when published.")

Mr. Covington: 28.
The Court: I refuse to so charge.

(Defendants' request to charge No. 28 is as follows: "That the defendants honestly believed that any one of the serious charges made by plaintiff against the Family at Bethel was



false, and that the charges against the plaintiff in the article 'Information' were true; then the article being privileged, the verdict must be for defendants.")

Mr. Covington: 29.
The Court: I refuse to so charge.

(Defendants' request to charge No. 29 is as follows: "That if defendants in publishing said article entitled 'Information' believed in good faith and honestly that said article was the truth, then they were not guilty of actual malice and the verdict must be for defendants.")

Mr. Covington: 30.
The Court: I refuse to so charge.

(Defendants' request to charge No. 30 is as follows: "The article being privileged no actual malice may be found from the fact of publication or that the charges were in fact false.")

Mr. Covington: 30a.
The Court: I refuse to so charge. That is for the jury.

(Defendants' request to charge No. 30a is as follows: "That the directors of the Watch Tower Bible & Tract Society, being all of them members of the Bethel Family, and eye-witnesses of conditions at Bethel, and therefore cognizant of the truth or falsity of the charges made by plaintiff, were not bound to further investigate said charges, and their action in reviewing the same on August 8, 1939, cannot be considered as evidence of malice.")



Mr. Covington: 30g.
The Court: I refuse to so charge. That is for the jury, in my judgment.

(Defendants' request to charge No. 30g is as follows: "That the letters published in July, 1940, in the Watch Tower contained approval of the Society's treatment of plaintiff, but did not in any way repeat the charges contained in the alleged libels, and cannot be considered evidence of malice.")

Mr. Covington: 31.
The Court: I refuse to so charge.

(Defendants' request to charge No. 31 is as follows: "That the repetition of the charges by an authorized member of the Society, made in the course of his duty, to a group or body of Jehovah's witnesses to whom plaintiff's letter or the charges therein contained had been or was or were likely to be communicated, was likewise privileged, and actual malice cannot be inferred from said repetition.")

Mr. Covington: 32.
The Court: I refuse to so charge. That is strictly for the jury.

(Defendants' request to charge No. 32 is as follows: "That the privilege of publication in 'The Watch Tower', the official magazine of Jehovah's witnesses, published to its members and other persons of good will, was not lost by reason of the fact it may have been read incidentally by a few persons not such members or persons of good will.")



Mr. Covington: 33.
The Court: I refuse to so charge.

(Defendants' request to charge No. 33 is as follows: "The article entitled 'Snares' being so qualifiedly privileged, even though it be false in fact, in whole or in part, the plaintiff cannot recover unless the plaintiff establishes, by a preponderance of the credible evidence, that the defendants published said article with actual malice on their part. In such case your verdict must be for defendants.")

Mr. Covington: 34.
The Court: I refuse to so charge.

(Defendants' request to charge No. 34 is as follows: "That the article 'Snares' being privileged, the burden of proof is upon plaintiff to prove that the charges made by defendants were false, and were known to be false by the defendants.")

Mr. Covington: 35.
The Court: I refuse to so charge, except as already charged.

(Defendants' request to charge No. 35 is as follows: "In order to permit a recovery by plaintiff you must find and believe, by a preponderance of the credible evidence, that the defendants published the article entitled 'Snares' with actual malice and with a desire to injure the plaintiff, rather than to assist Jehovah's witnesses. Failure to establish truth does not constitute evidence of actual malice; nor can actual malice be inferred from any strong or



forceful language used in the publication. Actual malice cannot be inferred from the article or the fact of publication, or the falsity of it; actual malice can only be established by proof that defendants were actuated by motives of personal spite and ill will and by testimony independent of the occasion on which the article was published. In other words, you must find not only that the article was false, but that each defendant knew it was false when published.")

Mr. Covington: 35a.
The Court: I refuse to charge. That is for the jury, in the Court's opinion.

(Defendants' request to charge No. 35a is as follows: "That the defendants honestly believed that any one of the serious charges made by plaintiff against the Family at Bethel was false, and that the charges against the plaintiff in the article entitled 'Snares' were true; then the article being privileged, the verdict must be for defendants.")

Mr. Covington: 36.
The Court: I shall charge 36.

"Communications between the governing body of a church or religious organization and its members with respect to a member's conduct are ordinarily privileged. The governing body can publish the results of a trial or matters concerning the conduct of its officials, vitally affecting its interests, in the official newspaper or magazine of the organization. In this particular instance, it is within your province to determine, from a preponderance of the evidence, whether



or not the publication of the article 'Information', was a privileged communication."

I so charge.
Mr. Covington: 37.
The Court: I will charge 37:

"Communications between the governing body of a church or religious organization and its members with respect to a member's conduct are ordinarily privileged. The governing body can publish the results of a trial or matters concerning the conduct of its officials vitally affecting its interests, in the official newspaper or magazine of the organization. In this particular instance, it is within your province to determine, from a preponderance of the evidence, whether or not the publication of the article 'Snares' was a privileged communication."

Mr. Covington: 38.
The Court: I refuse to so charge.

(Defendants' request to charge No. 38 is as follows: "The defendants set up a complete defense of qualified privilege. Many times in human affairs it becomes necessary for one person to communicate with another, information which may be defamatory. Even if the information turn out to be false, still the law recognizes certain relationships and situations which excuse the communication. These relationships and situations the law does not rigidly classify. They may arise in many different ways. When a communication is made under such circumstances, it is called a qualifiedly privileged communication. A privileged communication is a

communication made in good faith and in the honest belief in its truth, upon any subject matter in which the party making the communication has an interest or in reference to which the party has a duty to make the communication to a person or party having a corresponding interest or duty to receive it. Even though the defamatory matter so communicated is later shown to be false, the law presumes it was made with good motives. Evil motives, actual malice, cannot be inferred from the act of publication or because the language used is harsh, severe or strong. In such a case, unless the plaintiff proves, by a fair preponderance of the credible evidence, that the defendants made the communication, not to protect their interests, but solely from a desire to injure the plaintiff, the plaintiff fails in his case and the verdict must be for defendants.

"Even though such a communication turns out to be false, there can be no recovery by the person defamed if the person making the same did so in good faith and in the honest belief that the communication was true.

"Therefore if you find and believe, from a preponderance of the evidence, that the defendants had a duty toward the members of Jehovah's witnesses and a common interest with such members to communicate to them through the official magazine of Jehovah's witnesses, the article called 'Information', in order to prevent discord, dissension, division and disunity and to warn Jehovah's witnesses against anyone that would cause strife and division, you will find that the publication was privileged and will find



a verdict for the defendants, unless the plaintiff has proved to you, by a preponderance of the evidence, that defendants were actuated by actual malice.")

Mr. Covington: 62 and 63.

The Court: The first paragraph of 62 I think is all right, but the second paragraph I won't charge. So in view of their being submitted as one request, I refuse to so charge. If it is privileged, it is a complete defense, as I have outlined in the charge.

(Defendants' request to charge No. 62 is as follows: "In the event you find the articles were not privileged, then you are instructed that in arriving at your verdict and considering the question of whether or not the plaintiff has established malice and lack of good faith, that you cannot consider the pleading of the truth and the failure, if any, on the part of the defendants to establish the truth of the charges made in the publications as any evidence of malice, unless you find that such pleading was in bad faith.

"In the event you find the articles were privileged communications between the governing body of Jehovah's witnesses and members of Jehovah's witnesses throughout the United States, you are instructed that a defendant has the right to allege and plead that the article was the truth, and if you find that the defendants failed to establish the truth thereof, you cannot give any consideration to such failure, in arriving at your verdict.")



Mr. Covington: 63.

The Court: I refuse to so charge.

(Defendants' request to charge No. 63 is as follows: "In the event you find the articles were privileged, then, in arriving at your verdict and in determining whether or not the publications were made with actual malice or with express malice, you cannot consider the falsity of the charges as evidence of malice, nor can you consider the intemperate language, if any, contained in such article as evidence of malice. The plaintiff must show, by a preponderance of the evidence, that each defendant had actual knowledge of the falsity of said article before publishing the same, and if the plaintiff fails to establish, by a preponderance of the evidence, that defendants had actual knowledge of the falsity, if any, of said article, although it be in fact bound by you to be false, you will nevertheless return a verdict for the defendants.")

Mr. Covington: 66.

The Court: I refuse to so charge.

(Defendants' request to charge No. 66 is as follows: "In order to establish malice, the plaintiff must prove, by a preponderance of the evidence, that the defendants did not honestly believe that the charges made in said article published by them were true and that such defendants believed or had reason to believe that the charges were false.")

Mr. Covington: 68.

The Court: I refuse to so charge. That is for the jury, in the Court's opinion.



(Defendants' request to charge No. 68 is as follows: "You are instructed that you cannot consider as evidence of malice the visit of the defendant Howlett to Wisconsin or the writing of any letters to the congregations of Jehovah's witnesses in and around Milwaukee in the Fall of 1939 or the Spring of 1940, and for this purpose in arriving at the question of malice you will completely disregard any such evidence.")

Mr. Covington: No. 69.

The Court: I refuse to so charge. That is for the jury, in the Court's opinion.

(Defendants' request to charge No. 69 is as follows: "In arriving at your verdict in determining whether or not the article entitled 'Information' in the Watchtower magazine was a privileged communication, you can consider the fact that The Watchtower at that time (1939) was confined in its distribution to subscribers and members of the Watchtower Bible & Tract Society, Jehovah's witnesses and persons of good will toward Jehovah's witnesses.")

Mr. Covington: No. 70.

The Court: I refuse to so charge. In the Court's opinion, that is for the jury.

(Defendants' request to charge No. 70 is as follows: "In arriving at your verdict in determining whether or not the article entitled 'Snares' in the Watchtower magazine was a privileged communication, you can consider the fact that The Watchtower at that time (1939) was confined in its distribution to subscribers of good will toward Jehovah's witnesses, and members of the Watchtower Bible & Tract Society and Jehovah's witnesses.")



Mr. Covington: 30-b.

The Court: I refuse to so charge. In the Court's opinion, that is for the jury.

(Defendants' request to charge No. 30-b is as follows: "That the directors of the Watchtower Bible & Tract Society were within their rights in considering the charges made by plaintiff in the manner in which they did, and the jury may not consider their action as evidence of malice.")

Mr. Covington: 30-f.

The Court: I refuse to so charge. In the Court's opinion, that is for the jury.

(Defendants' request to charge No. 30-f is as follows: "That the testimony shows that from July 21, 1939 to September 24, 1939, the plaintiff spoke and wrote to a number of Jehovah's witnesses stating the nature and substance of the charges contained in plaintiff's letter of July 21, 1939, and gave to several others copies of said letter, and authorized others to circulate copies of said letter. That said persons to whom plaintiff so communicated were located in various parts of the United States. That early in September 1939 plaintiff made a statement at several classes of Jehovah's witnesses, said classes being open to others then Jehovah's witnesses. That said statement set forth his side of the case. That plaintiff having chosen such classes as his method of presenting his side of the controversy, defendants were at liberty to present their side before a like forum. That the reading by defendant Howlett of the article, later published in The Watchtower, entitled 'Information', was thus upon an occasion of privilege, and such reading



cannot be considered by the jury as evidence of malice.")

Mr. Covington: No. 39.

The Court: I refuse to so charge except as already charged.

(Defendants' request to charge No. 39 is as follows: "The defendants set up a further complete defense known as 'The privilege of reply.'"

The plaintiff on July 21st, 1939 wrote a letter in which he attacked the Family at Bethel. He thus began the controversy. The defendants have offered evidence that between July 21, 1939 and October 15, 1939, by word of mouth and by the circulation of his letter or its contents openly or by others related to him with his knowledge, he caused or suffered the charges made by him to be circulated. The Society so attacked by him had a right or privilege to reply to this attack. This privilege is called the privilege of reply. It differs from the qualified privilege which the Court has heretofore defined to you, in this, that it does not depend on relationship. Any person who is attacked is accorded this privilege of reply.

If you find and believe, by a fair preponderance of the evidence, that plaintiff began this controversy by circulating and publishing his letter before said article entitled "Information" was published in "The Watchtower" on October 15, 1939, and if you find that the article entitled "Information" was published and circulated by defendants for the purpose of repelling the attack by plaintiff in his letter of July 21, 1939 upon the defendants and published

by defendants to retort upon plaintiff's act of assailing them, then you may find that such retort and publication of the article entitled "Information" was a necessary part of their defense and fairly arose out of the charges made against the defendants! However, in order to be entitled to claim this privilege of self defense and reply, the counter attack must not be unrelated to the charge. In this case the reply of defendants was directly related to the attack. The plaintiff having started the dispute by making such serious charges, it was within the privilege of the defendants to question and attack the motives of the plaintiff in making such charges. In this connection, you are instructed that one in self defense is not confined to parrying the thrust of his assailant, but may attack the plaintiff and may attack his motives. While it may be found that some expressions go beyond what is necessary for self defense, it does not follow that they can in every case afford evidence of exceeding the privilege of reply. Defendants were not confined to circulating letters, but could choose the medium most readily available and acceptable, as a means of communicating with Jehovah's witnesses. It is not necessary to submit the language of a privileged communication to strict scrutiny and hold all excesses beyond the necessity of the case, because to do so would in effect greatly limit, if not altogether defeat the protection which the law allows privileged communications. Therefore if you find, from a preponderance of the evidence, that the article entitled "Information" was fairly in reply to the charges made by the



plaintiff in the letter circulated by him, and without actual malice on the part of the defendants, you will find for the defendants.")

Mr. Covington: 40.

The Court: I refuse to so charge. That is for the jury.

(Defendants' request to charge No. 40 is as follows: "That if the jury find that the plaintiff, having written the letter of July 21, 1939, thereafter openly or secretly circulated or suffered others to circulate the charges contained in said letter, the defendants on October 15, 1939 were privileged to reply to said attacks.")

Mr. Covington: 40-a.

The Court: I refuse to so charge. In the Court's judgment, that is for the jury.

(Defendants' request to charge No. 40-a is as follows: "That the plaintiff began the controversy by making the charges in his letter of July 21, 1939. That thereafter up to September 24, 1939 plaintiff spoke and wrote to a number of Jehovah's witnesses stating the nature and substance of the charges contained in plaintiff's letter of July 21, 1939 and gave the same to several others and authorized others to circulate copies of said letter. That said persons to whom plaintiff so communicated were located in various parts of the United States. That early in September plaintiff made a statement at several classes of Jehovah's witnesses, said classes being open to others than Jehovah's witnesses. That said statement set forth his side of the case. That up to said time defendants had



made no statement of their side, except on September 1, 1939, to notify the members of his dismissal and the general reason therefor. That information of the above action of plaintiff was received by the defendants.

"That defendants were not bound to wait until plaintiff broadcast the charges further, but had the right to make known their side of the case before further damage to their Society ensued.

"That if the jury finds that the article 'Information' was a reply to the charges against the Society at Bethel, then the article 'Information' was a privileged communication. If the jury finds that 'Information' was published by defendants without actual malice, in the honest belief of the truth of said article and in good faith, to protect the interests of Jehovah's witnesses, then the verdict must be for defendants on that branch of the case.")

Mr. Covington: 40-b.

The Court: Same ruling, I refuse to so charge. In the Court's judgment, that is for the jury.

(Defendants' request to charge No. 40-b is as follows: "That the defendants were within their rights, after receiving information that the charges made by plaintiff against the Family at Bethel had been circulated to widely scattered parts of the United States, in choosing the official publication of Jehovah's witnesses, 'The Watchtower' as the best way of effectively refuting said attacks and communicating with Jehovah's witnesses and persons of good will, throughout the country.")



Mr. Covington: 41.

The Court: I will charge that. "The defendants set up a further defense, which is known as the defense of 'Fair Comment.'

"The law recognizes the rights of persons to comment on the conduct of others. This right of comment is not confined to any particular group like the press or pulpit, but is open to all. It is part of freedom of speech. But the law places certain limitations upon the exercise of such right to comment. There are:

"1. That the person upon whom the comment is made must be a public character, or offers his services or schemes to the public, or is active in a cause or movement society.

"2. That the facts upon which the comment is made must be truly stated.

"3. That the comment must appear as comment and not as a positive statement of a fact. Sometimes the line is not clear and then it is for the jury to say what is stated as fact, and what is stated as comment.

"4. The comment must be fair, which means that it is one which an honest man would draw from the facts, and be his honest opinion. The opinion may seem to a jury to be unsound or illogical, but if it is one honestly held by a person holding views such as defendants here held, and is based on the facts, it is justified as comment.

"5. It must not be made with actual malice."

I so charge.



Mr. Covington: 42.

The Court: I refuse to so charge.

(Defendants' request to charge No. 42 is as follows: "The defendants assert that the evidence shows that plaintiff was a prominent person in their Society, that he was a member of the Watchtower Bible and Tract Society, Inc., that he was general counsel for Jehovah's witnesses in the United States, that his duties took him to many parts of the country, that he often preached at meetings of groups of Jehovah's witnesses, that he attended the general assemblies of Jehovah's witnesses and spoke at such gatherings, that he lived prior to July 21, 1939 for four years at Bethel, and that as a consequence he was a man of public interest and concern among Jehovah's witnesses everywhere and that what he did and said and wrote were matters upon which the members of Jehovah's witnesses had a right to comment."

Mr. Covington: 43.

The Court: I refuse to so charge. In the Court's judgment, that is for the jury.

(Defendants' request to charge No. 43 is as follows: "The defendants say that the facts truly stated upon which the comment was made were:

"That plaintiff was for years entrusted with the most confidential affairs of the organization. That he daily lived in the Family at Bethel. That on July 21, 1939, he left a letter addressed to the President of the organization, announcing that he was leaving the Family at Bethel on September 1, 1939, and gave his reasons for re-



signing. That in this letter he made a long and vicious and libelous attack upon the President and the Family at Bethel. That he charges the President with discrimination, bossism, and with living in luxury while the others slaved, that the Family practiced filthy and vulgar language, and that alcohol was glorified and indulgence in it approved at Bethel. These charges were the first he had ever made and were an attack on those with whom he had long lived and associated. That thereafter in his presence, the directors of the Society considered his charges and drafted a resolution, which resolution is a part of the transactions of the governing body of Jehovah's witnesses, that between July 21, 1939 and October 15, 1939, plaintiff orally and by circulation of the contents of the letter, further caused or suffered these charges to become known among many members of Jehovah's witnesses. That the charges were of so serious a character as to be likely to cause many members to doubt the fidelity and integrity of their leaders and as likely to be used by the enemies of the Society, particularly a group known to all of Jehovah's witnesses as the 'evil servant.'")

Mr. Covington: 44.

The Court: I refuse to so charge.

(Defendants' request to charge No. 44 is as follows: "The defendants say that the first paragraph of the article 'Information' is a comment, upon the resignation and action of plaintiff. The method of comment is one employed by Jehovah's witnesses, to wit, by reference to the Bible and

to the apt quotations therefrom. 'Being reminded that this is a time when God is moving from his organization everything that can be shaken' 'that those things which cannot be shaken may remain' (Hebrews 12:26, 27), 'refers to the resignation and removal of the plaintiff.' That the remainder of the sentence, 'the members of the board of directors of the WATCHTOWER BIBLE AND TRACT SOCIETY, for the information and protection of those who are devoted to God's organization, request that The Watchtower publish what follows' gives the reason for the publication (negativing malice).

"The next paragraph is a statement of fact, except one sentence: 'The letter, being filled with false, slanderous and libelous statements' which was a comment on the charges made by plaintiff.

"The next paragraph is a part of the resolution, reciting the Board's action: 'At a joint meeting of the boards of directors of the Pennsylvania Corporation and the New York Corporation of the Watchtower Bible and Tract Society held at the office of the Society at Brooklyn, N. Y., this 8th day of August, 1939, at which other members of the family were present, there was read to said boards and in the presence of O. R. Moyle a letter dated July 21, 1939, written by said Moyle and addressed to the president of the Society.' It is a statement of facts.

"'For four years past the writer of that letter has been entrusted with the confidential matters of the Society.' is undisputed and conceded facts. 'It now appears that the writer of that letter, without excuse, libels the family of God at Bethel,' is a statement of fact and a comment.



A comment on the action of the plaintiff in making said charges. The words, 'and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Cor. 4:3; Rom. 13:4)' are clearly comment. It characterizes the plaintiff, who complained of the practices at Bethel and made the libelous charges, as a murmurer and complainer, with Scriptural authority.

"The next paragraph, 'The members of the board of directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and of his actions, and recommend that the president of the Society immediately terminate the relationship of O. R. Moyle to the Society as legal counsel and as a member of the Bethel family,' is the statement of the action of the Board of Directors and their resentment at and disapproval of the plaintiff.

"Aside from the introductory paragraph announcing the writer's purpose to leave Bethel at a fixed time, every paragraph of that letter is false, filled with lies, and is a wicked slander and libel not only against the president but against the entire family, and for that reason the letter has not been published by the Society' is a comment. It characterizes the letter of plaintiff as filled with lies, etc. While this charges plaintiff with having written lies and libels, still it is a comment upon the charges which plaintiff made. The following sentence, 'He requested *Consolation* to publish his letter, and Moyle, being refused, now causes his libelous paper to be published and circulated among cer-



tain companies of the consecrated, causing the same to be publicly read,' is a statement of fact, that plaintiff caused the letter to be circulated. The remainder of that sentence, 'and then by his own words, which may be called 'fair speech', he pretends to be in harmony with the Society, and thus further deceives the unsuspecting ones.' and the following sentence, 'His only possible purpose in further publishing his letter is to justify himself and to 'cause division among the brethren', both of which are condemned by the Word of God (Luke 16:15; Rom. 16:17, 18.)' characterized his motive as self justification and to cause division, with Scriptural authority for condemnation of said action. This is clearly comment, non-libelous. 'For this reason the brethren should be warned.' is non-libelous comment. 'The aforementioned letter being filled with lies levied against the brethern, the same is hated by Jehovah: 'Six things doth the Lord hate; yea, seven are an abomination unto him. . . . a false witness that speaketh lies, and he that soweth discord among brethren.'—Proverb 6:16-19.' again comments on the letter of plaintiff as 'filled with lies' and as such being hated of Jehovah, with Scriptural authority.

"'By inducing others to join with him in the circulation and publication of his slanderous letter among the consecrated he makes others party to his wrong.' is clearly a comment on the acts of plaintiff in circulating the false charges and misleading others. 'The slanderous paper, being in opposition and against the interest of the Theocratic government, is pleasing only to the Devil and his earthly agents', is a comment that



the charges made by Plaintiff are against Jehovah's witnesses and pleasing to those that work evil.

"'For four years Moyle was entrusted with the confidential matters of the Society, (a conceded fact) and then, without excuse, he assaults and maligns those who trusted him', a comment characterizing plaintiff's having written and circulated the letter containing the charges. The words, 'Judas was entrusted by Christ Jesus with confidential matters, and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord' are fair comment and are to be read in the light of their context. They liken plaintiff, because of his letter attacking the Society and giving comfort to its enemies, with Judas in his like action toward Jesus. 'He who maligns the brethren of the Lord maligns the Lord himself, and the end of such the Scriptures plainly point out.' is a comment that those who malign their brethren, come to no good end. The next and last, 'Having been warned, each one must choose to join the 'evil servant' and take the consequences (Matt. 24:48-51) or remain faithful to Jehovah and his government by Christ Jesus. Choose whom you will serve,' is clearly a comment upon plaintiff's future course (the 'evil servant' being plaintiff's present associates.) Either he can remain faithful or join the enemies of the Society.

"The defendants claim that every fact stated in the article 'Information' was true, and that every comment was such as a fair-minded man, situated as were the directors of the Society,



and holding the views of Jehovah's witnesses, would make, in the light of plaintiff's suddenly made charges, in characterizing the libelous charges and plaintiff's motives and reasons for making them; that said comments were the honest expression of the opinions of all the defendants who signed said article, and were made in the honest belief that the facts were true and the comment fair, and were made without actual malice on the part of the defendants.")

Mr. Covington: 45.

The Court: I refuse to so charge.

(Defendants' request to charge No. 45 is as follows: "If you find that the comments were untrue and defamatory, still, if you find they were such as a fair-minded member of the directors of Jehovah's witnesses could make from the facts of the plaintiff's letter and the charges therein contained and the subsequent action of plaintiff in further circulating the charges, and were the honest expression of the directors' opinions, and were made without actual malice, then your verdict must be for the defendants.")

Mr. Covington: 45-a.

The Court: I refuse to so charge.

(Defendants' request to charge No. 45-a is as follows: "If you find from the facts hereinbefore stated as proven that the actions of plaintiff in the Courtroom, he being a consecrated member of Jehovah's witnesses as well as the lawyer defending other consecrated members, in patting on the back one who had sought to break up the assembly of Jehovah's witnesses at Madison Square Garden, would appear to a



fair-minded member of Jehovah's witnesses the actions as of a person seeking the approval of others in the Court, and those of a 'man pleaser' and that the publication of said article 'Snares' was the honest expression of the opinion of Judge Rutherford who wrote said article, and was not written with actual malice, but in honest belief that the comment was fair, then the verdict upon that statement would be for defendants.")

Mr. Covington: 45-b.

The Court: I refuse to so charge.

(Defendants' request to charge No. 45-b is as follows: "If you find from the facts above, that plaintiff having received from Heath, a defendant in the criminal action charged with felonious assault, a statement of facts constituting Heath's defense to said criminal charge, and that plaintiff gave, or approved of other counsel giving, said statement to MacDonald, the attorney assisting in the prosecution of Heath, and himself one of the disturbers of the Madison Square Garden Assembly, and that said statement was used in said Magistrate's Court proceedings, then if you find that such actions of plaintiff would appear to a fair-minded member of Jehovah's witnesses as the actions of one, who being a consecrated member of Jehovah's witnesses and a lawyer, had not looked well to and defended other consecrated brethren, then you may find that the language used in the article 'Snares' was a fair comment upon the plaintiff's actions, and if you find that it was the honest expression of Judge Ruther-

ford's opinion, written in good faith and the belief that it was a fair comment, and without actual malice, you will find a verdict for defendants.")

Mr. Covington: 45-c.

The Court: I refuse to so charge.

(Defendants' request to charge No. 45-c is as follows: "If you find that said plaintiff suggested to, or advised, or discussed with Orrell, a defendant in the action brought in Magistrate's Court in connection with the disturbance at the Madison Square Garden assembly, that Orrell plead guilty to simple assault, then if you find that such actions of plaintiff would appear to a fair-minded member of Jehovah's witnesses as the actions of one, who being a consecrated member of Jehovah's witnesses and a lawyer, had not looked well to and defended other consecrated brethren, then you may find that the language used in the article 'Snares' was a fair comment upon the plaintiff's actions, and if you find that it was the honest expression of Judge Rutherford's opinion, written in good faith and the belief that it was a fair comment, and without actual malice, you will find a verdict for defendants.")

Mr. Covington: 61.

The Court: I refuse to so charge.

(Defendants' request to charge No. 61 is as follows: "If you find and believe, from a preponderance of the evidence, that the plaintiff actually libeled the Family of God at Bethel and that plaintiff fails to establish the proof of the



charges made in his letter of July 21, 1939, then you are instructed, as a matter of law, that said letter was libelous and that the plaintiff was a libeler, and that all of the other charges and remarks therein made in the article entitled 'Information' of and concerning the plaintiff, are proper deductions, opinions and comments of and concerning the plaintiff in making such libel against the members of said Family, and constitute fair comment upon his conduct described therein.")

Mr. Covington: 65.

The Court: I refuse to so charge.

(Defendants' request to charge No. 65 is as follows: "In arriving at your verdict in determining whether or not the articles constitute 'fair comment' of and concerning the plaintiff's conduct and action, you are instructed to the fact that members of the jury may believe that such comment was logically unsound or unreasonable cannot and does not constitute grounds for the withdrawal of the protection of fair comment. In other words, in arriving at your verdict and in determining whether or not the articles constitute fair comment, the jury should attempt to view the plaintiff's conduct through the yes of the defendants by placing themselves in the same position that the defendants were in at the time of and prior to the publication of the article in question.")

Mr. Covington: 17.

The Court: I refuse to so charge.



(Defendants' request to charge No. 17 is as follows: "That the jury may consider that the article entitled 'Snares' was a general one, addressed to members of Jehovah's witnesses, dealing with the many snares and pitfalls which beset the paths of such members; that it was intended as a basis of discussion and study by the members; that the plaintiff was not mentioned therein by name; that the actions of the plaintiff as a member of Jehovah's witnesses and his duty as a lawyer-member of Jehovah's witnesses in the defense of other members of Jehovah's witnesses and not his general character and competence as an attorney are discussed; that the part of said article referring to plaintiff is a brief and incidental portion of the whole general treatise; that the article charges plaintiff as a lawyer-member of Jehovah's witnesses with seeking approval of others, of trying to be a 'good fellow' rather than devoting himself as a member of Jehovah's witnesses to the proper defense of an accused brother-member.")

Mr. Covington: 49.

The Court: I refuse to charge in your language.

Mr. Covington: We except.

The Court: I would like to say there is no evidence of definite amount of loss of income. The question, therefore, is for the jury.

Mr. Covington: That is refused?

The Court: I refuse to so charge, but in view of the statement, I wanted the jury to get one fact that I think they should have. I refuse to so charge.



(Defendants' request to charge No. 49 is as follows: "'General Damages' are such damages as the law presumes to have necessarily ensued and flowed from the publication complained of. They are such as a jury, in its sound discretion, may find that a person in plaintiff's position and status has suffered in his reputation, feelings and mind from the circulation of the article referred to from the nature of the charge and the standing of the defendants. The plaintiff has offered no evidence of any loss of income as a result of the publication. In arriving at the damages, if any, you cannot consider any actual loss in income because none has been established by evidence to be the direct result of the publication in question. You cannot consider any prospective or speculative loss or injury, if any.")

Mr. Covington: 49-a.

The Court: I refuse to so charge. That is for the jury, in the Court's opinion.

(Defendants' request to charge No. 49-a is as follows: "You cannot consider Plaintiff's income before becoming a member of the headquarters staff because no difference has been shown and the difference between the income then and now is not the result of the publication complained of, but the result of plaintiff's quitting his general practice of the law before coming to Brooklyn; and the fact that he did not engage in practice of law in Wisconsin during those years.

"Plaintiff, since leaving Brooklyn, has not devoted his entire time to the effort of practicing



law but has followed as his main endeavor the profession of a *minister of religion* and traveling speaker for a religious organization. You are instructed that you cannot consider, in arriving at the amount of damage, if any, to be awarded any loss of earnings due to his *abandoning* his law practice in Wisconsin before moving to New York, nor can you consider any loss of earnings due to the enforcement of the contract entered into with Attorney Brown of Union Grove, Wisconsin, before coming to New York.")

Mr. Covington: 50

The Court: Same ruling.

(Defendants' request to charge No. 50 is as follows: "Plaintiff's earnings with Jehovah's witnesses preclude plaintiff from showing any monetary damages as loss of income. Plaintiff had no other law practice. You may consider in that regard that plaintiff having attacked the leaders of Jehovah's witnesses, had no right to anticipate that he would receive employment from the members of Jehovah's witnesses; and that having joined up with an organization opposing to Jehovah's witnesses, plaintiff cannot claim any possible failure to secure law business from Jehovah's witnesses.")

Mr. Covington: 52.

The Court: 52 I will charge:

"The amount of damages, if any, assessed, if you find plaintiff entitled to recover, is vested entirely in your sound and fair discretion."

I so charge.



Mr. Covington: 53.

The Court: I refuse to so charge. It is for the jury.

(Defendants' request to charge No. 53 is as follows: "Both causes of action of plaintiff grow out of his position in the Society and with Jehovah's witnesses; in one he is charged with libeling and maligning his association at Bethel, who trusted him; in the other he is charged with failing as a member of Jehovah's witnesses and a lawyer not to have looked well to other members' defense. If you find that either one of these charges is true, then you can give no damages to plaintiff on such charges; you may further consider the truth of such charge in determining the amount of compensation you will, if any, award to plaintiff on the charge you find to be untrue. For if the reputation of plaintiff has been tarnished by the truth of one of two charges, growing out of the same relationship, you may consider that fact in determining what, if any damages, he should have from the untruth of the other.

Mr. Covington: 54.

The Court: I won't charge 54: "If you find that either of said charges is partially true,"—referring to the two articles in "Information" and "Snares"—do you mind that amendment?

Mr. Covington: Yes.

The Court: "If you find that either of said charges is partially true, or that plaintiff's conduct has lent some color or verity to the statements complained thereof, then you may consider these elements in reducing the compensa-

tion you would otherwise have awarded plaintiff if his reputation had not been so affected by the facts so proved."

Mr. Covington: 55.

The Court: I will charge that:

"You are not to consider any active malice as existing before July 21, 1939, as the plaintiff in his letter of that date has negatived the existence of actual malice."

I so charge.

Mr. Covington: 56.

The Court: I decline to charge in the language requested.

(Defendants' request to charge No. 56 is as follows: "If you reach the question of damages in your discussion, you should consider, for the purpose of reducing and mitigating the damages, if any, any facts and charges contained in such publication, and the fact that the defendants, in good faith, believed the article to be true in whole or in part; and the fact that parts thereof were true, if you so find; also you can consider the belief by the defendants in good faith that it was their duty, as members of the governing body of Jehovah's witnesses, to *advise* all of Jehovah's witnesses of the course of conduct taken by the plaintiff in resigning and circulating said letter of July 21, 1939, and the fact that it was necessary to reply to the charges made by the plaintiff in his letter. You can also take into consideration, in reducing the damages, if any, the fact that defendants were fairly commenting and expressing honest opinion upon the course of action taken



by the plaintiff, a public character among Jehovah's witnesses, in *resigning* his position at the headquarters staff and in circulating his said letter.")

The Court: We passed on that.

Mr. Covington: Yes, that is right. My mistake. 58.

The Court: I refuse to charge except as already charged.

(Defendants' request to charge No. 58 is as follows: "In determining in your deliberations and consideration of the evidence, if any, touching upon the question of malice, if any, you are instructed that you cannot consider the reading of the article entitled 'Information' or the repetition thereof, or the repetition of parts thereof by defendant Howlett before any of the congregations of Jehovah's witnesses, which he visited in Wisconsin, because it is contended that the speeches made by Howlett before the various congregations were limited to members of such congregations, and, as a matter of law, are privileged communications between the defendant Howlett as a representative of the Society and the various congregations of Jehovah's witnesses, and in this connection you are instructed, as a matter of law, that the repetition of a libelous publication under circumstances of confidential and privileged relationship, such as that mentioned, cannot be considered as evidence of malice; therefore, in arriving at your verdict, you will exclude from your consideration of the question of malice, if any, any such communications made by the defendant Howlett. Nor in



arriving at your verdict, if you find the article privileged, can you consider the fact, if you so find, that defendants failed to satisfactorily establish the truth of any of the charges made in such publications. Nor can you consider in arriving at your verdict the repetition of any of such charges in the pleadings and answer served and filed in this action by the defendants.")

Mr. Covington: 1 and 1a have been covered by Your Honor's charge.

The Court: And 1-b is the same thing. That has been charged.

Mr. Covington: That is right. 30-c.

The Court: I will charge that:

"That the plaintiff having on July 21, 1939 made charges against the President and the Family at Bethel and having offered his resignation to take effect Sept. 1, 1939, the Board of Directors of the Watchtower Bible & Tract Society were within their rights in severing his connection as counsel and terminating his residence at once and their action in so doing cannot be considered as evidence of malice."

I so charge.

Mr. Covington: 30-b.

The Court: I will charge that:

"That the directors of the Watchtower Bible & Tract Society were within their rights in considering the charges made by plaintiff in the manner in which they did, and the jury may not consider their action as evidence of malice."

I so charge.



Mr. Covington: 30-e.

The Court: I refuse to so charge.

(Defendants' request to charge 30-e is as follows: "That an employer has the right to notify all persons, with whom a servant has had or might have relations, of his dismissal and may state the reason for said dismissal, and the publication on September 1, 1939, in The Watchtower of the plaintiff's dismissal cannot be considered by the jury as evidence of malice.")

Mr. Covington: 46.

The Court: I will charge that:

"Evidence has been offered that defendants and all of Jehovah's witnesses take a position of strict neutrality as to the wars between nations of the world, and because of such position they refuse to participate in any capacity for any nation in such wars. You are specially instructed that such evidence is immaterial to the issues in this action and should be disregarded and not considered in arriving at your verdict."

I so charge.

Mr. Covington: 47.

The Court: I would like to amend your request to charge.

Mr. Covington: That is perfectly all right, Your Honor.

The Court: I would like to say this: That Jehovah's witnesses and the defendants have a right to hold, believe and teach not to salute the flag, and this has no bearing on the case.

Mr. Covington: That is all right.

The Court: I so charge. Is that satisfactory?



Mr. Covington: That is satisfactory. No. 48.

The Court: I refuse to so charge.

(Defendants' request to charge No. 48 is as follows: "The preaching activity and mode of worship engaged in by defendants and Jehovah's witnesses throughout the entire United States and elsewhere is entitled to the same right and privilege as the more orthodox and recognized religious organizations.

" 'This form of religious activity occupies the same high estate under the First Amendment as do worship in the churches and preaching from pulpits. It has the same claim to protection as the more orthodox and conventional exercises of religion . . . spreading one's religious beliefs or preaching the Gospel through distribution of religious literature and through personal visitations is an age-old type of evangelism with as high a claim to constitutional protection as the more orthodox types.' (Supreme Court of the United States in the case of Murdock et al. (Jehovah's witnesses v. Commonwealth of Pennsylvania, May 3, 1943, 63 S. Ct. 126)."

Mr. Covington: 60.

The Court: I refuse to so charge.

(Defendants' request to charge No. 60 is as follows: "In considering the evidence and appraising the contentions raised by both parties, you should be careful in arriving at your verdict to distinguish between the charges made by the plaintiff in his letter concerning conditions at headquarters, and the charges which are made by the defendants of and concerning the plaintiff.")



Mr. Covington: 99.

The Court: In the first sentence I am going to take out three words "under the law."

"The defendants had a right to immediately discharge the plaintiff and order his removal from the premises at 124 Columbia Heights, Brooklyn, New York, on August 8, 1939. In arriving at your verdict you cannot consider question of the prompt and immediate discharge of the plaintiff in determining whether or not the defendants were prompted by malice in publishing the article entitled 'Information' or the article entitled 'Snares.'

I so charge. I have taken out three words there.

Mr. Covington: That is all right.

The Court: I so charge.

Mr. Covington: 101.

The Court: I will charge that:

"Under the law, the making of the defenses by the defendants and their merit is not affected by the failure of the defendants to file a counterclaim or cross action against the plaintiff. The failure of the defendants to file a counter-claim and cross action against the plaintiff for damages, cannot be considered by you in arriving at your verdict in this case because such failure is entirely immaterial."

I so charge.

Mr. Covington: Does Your Honor have No. 98?

The Court: Yes. I refuse to so charge.

(Defendants' request to charge No. 98 is as follows: "In determining whether any rules of the organization, written or unwritten, earthly or Scriptural, have been violated by any of the parties in any material way, you must view the matter from the understanding or practice of Jehovah's witnesses and not according to the standards of any other organization, church, religion or group; nor can you substitute your own opinions on such matters for any rules and regulations established by evidence.")

Mr. Covington: And 99-a.

The Court: I will charge that, in connection with the article "Snares" only: "The plaintiff having offered his resignation as counsel to the Society and having attempted to resume the private practice of the law in certain counties of the State of Wisconsin, and having been enjoined from practicing in those places and having offered no proof of any damages to his profession, if you find for plaintiff on said cause of action, then you may consider what is called nominal damages and in your discretion may award plaintiff a verdict of six cents or vindication of the charge made in said article 'Snares.'"

I so charge.

Mr. Covington: No. 100.

The Court: I refuse to charge except as already charged.

(Defendants' request as to charge No. 100 is as follows: "If you find that the article entitled 'Information' is true, then the plaintiff cannot recover damages from defendants because being



avoided and shunned by Jehovah's witnesses, for the reason that he assaulted the organization and nothing more than nominal damages can be awarded to the plaintiff under the second cause of action."

Mr. Covington: 100-a and 100-b.

The Court: I have left 25, 57 and 64. Do you want those?

Mr. Covington: May I take a look at those?

The Court: While you are looking at them, I will look at the two new ones.

I refuse charge 100-a or 100-b, except as already charged. I think I have covered both fully in the charge.

(Defendants' request as to charge No. 100-a is as follows: "For a first complete defense in the second cause of action, the defendants rely upon the truth of the article entitled 'Snares', claiming that its contents are the truth. This defense is, in the law, what is known as 'justification'. If you find or believe, from a preponderance of the evidence, that the things spoken of and concerning the plaintiff in the article entitled 'Snares' are the truth, then you will find for the defendants. In order to establish the defense of 'justification' or 'truth', it is not necessary that each and every immaterial or irrelevant fact contained in the article should be found to be the truth, but it is sufficient if you find or believe, from a preponderance of the evidence, that the article entitled 'Snares' is substantially as broad as the charge; that is to say, if you find and believe from a preponderance of the evidence, that the plaintiff proved faithless to



his truth as one of Jehovah's witnesses and acted in the manner as did Judas and falsely libeled the family of God at 'Bethel' and spoke evil against the organization and became a murmurer and complainer and thereafter furnished information to the enemy that they could use and did use against the Lord by maligning the organization and his brethren and that the plaintiff became an 'evil servant' and put himself in opposition to God's government and according to the belief of Jehovah's witnesses put himself in the position of committing a sin, the result of which condemned him to second death, you will find for the defendants. It is not necessary that each of these charges be precisely true, but it is sufficient, if you find and believe that each of them is substantially true. If you find and believe, by a preponderance of the evidence, that the defendants have established the truth of each of these charges so near the facts as published in the article entitled 'Snares', you cannot resort to fine and shaded distinctions of words, nor can you press the words out of their ordinary usage to sustain the charge of libel, for no legal harm has been done in the article entitled 'Snares' if the truth of the facts is established.

"You are instructed that in the event you find, from a preponderance of the evidence, that the article entitled 'Snares' was the truth and justified, then you cannot take into consideration the question of whether or not the article was published with malice, because if truth is established then malice is immaterial and it would be your duty to render a verdict for the



defendants if you find the truth is established, regardless of whether there was or was not malice.")

(Defendants' request as to charge No. 100-b is as follows: "For the first complete defense the defendants rely upon the truth of the article entitled 'Information', claiming that its contents are the truth. This defense is, in the law, what is known as 'justification.' If you find or believe, from a preponderance of the evidence, that the things spoken of and concerning the plaintiff, in the article entitled 'Information', are the truth, then you will find for the defendants. In order to establish the defense of 'justification' or 'truth' it is not necessary that each and every immaterial and irrelevant fact contained in the article should be found to be the truth, but it is sufficient if you find and believe from a preponderance of the evidence that the article entitled 'Information' is substantially as broad as the charge; that is to say, if you find and believe from a preponderance of the evidence, that the plaintiff proved faithless to his truth as one of Jehovah's witnesses and falsely libeled and slandered the president and the family of God at Bethel and thereby acted in the manner as did Judas and spoke evil against the organization and became a murmurer and complainer and thereafter furnished information to the enemy that they could use and did use against the Lord by maligning the organization and his brethren and that the plaintiff became an 'evil servant' and put himself in opposition to God's government and, according to the belief of Je-



hovah's witnesses, put himself in the position of committing a sin, the result of which condemned him to second death, you will find for the defendants. It is not necessary that each of these charges be precisely true, but it is sufficient, if you find and believe that each of them is substantially true. If you find and believe, by a preponderance of the evidence, that the defendants have established the truth of each of these charges so near the facts as published in the article entitled 'Information', you cannot resort to fine and shaded distinctions of words, nor can you press the words out of their ordinary usage to sustain the charge of libel, for no legal harm has been done in the article entitled 'Information' if the truth of the facts is established.

"You are instructed that in the event that you find, from a preponderance of the evidence, that the article entitled 'Information' was the truth and justified, then you cannot take into consideration the question of whether or not the article was published with malice, because if truth is established then malice is immaterial, and it would be your duty to return a verdict for the defendants if you find the truth is established, regardless of whether there was or was not malice."

Mr. Covington: I think your Honor has covered 25. We would request 57 and 64.

The Court: 57 I refuse to so charge. In the Court's judgment, that is for the jury.

(Defendants' request to charge No. 57 is as follows:



"In arriving at your verdict the article entitled 'Snares' did not refer to the plaintiff in his general competence and ability as a lawyer in handling litigation. In determining the question, the meaning of the article 'Snares' and whether or not the defendants have proved the truth or justification of said article 'Snares', you will not consider that defendants charged the plaintiff with general incompetence, for the defendants neither charge nor contend that the plaintiff was thus generally incompetent.")

The Court: 64, I refuse to so charge.

(Defendants' request to charge No. 64, is as follows:

"With reference to the publication of the article entitled 'Snares' it appears from the evidence that it was the editorial policy of the defendants that reference to the preparation, printing and publishing of said main or leading articles in The Watchtower Magazine, that such leading article be prepared by the president of the Society, which after preparing were delivered by him to the linotype operators and typesetters for publication and that none of the Board of Directors or the defendants herein had any part in the preparation of said articles for publication, nor knowledge of the content thereof until the magazine was released for general distribution. Therefore the individual defendants herein may not be charged with knowledge of the contents of said Watchtower magazine. In arriving at your verdict as to whether or not the individual defendants were liable for the publication of said article you are charged, as

a matter of law, that if said individual defendants had no connection therewith and with respect to them as to the article entitled 'Snares', in the second cause of action, you are directed to return a verdict in favor of the individual defendants.")

Mr. Covington: May it please your Honor, we would like to have your Honor advise the jury that counsel has a right to make these requests to aid the Court—

The Court: Will you wait and see if I don't do it?

Mr. Covington: All right, thank you.

I shall say it after Mr. Bruchhausen gets through. Now, Mr. Bruchhausen.

Mr. Bruchhausen: I have just a few requests.

The Court: Any of your written ones first?

Mr. Bruchhausen: No. I would like to ask you to charge that the jury may find that the libels were published and circulated among the public other than members of Jehovah's Witnesses.

The Court: I refuse to charge except as already charged.

Mr. Bruchhausen: Exception.

I ask your Honor to charge the jury that the jury may find that the reading of the article to the Bethel family on August 8, 1939, was a publication thereof.

The Court: I refuse to charge except as already charged. I am not going to invade the province of the jury.

Mr. Bruchhausen: Exception.



I ask your Honor to charge the jury that the jury may award both compensatory and punitive damages regardless of proof of actual loss of income.

The Court: I refuse to charge except as already charged. I think I covered that fully in the charge.

Mr. Bruchhausen: Exception.

I ask your Honor to charge the jury that freedom of speech is also an American principle.

The Court: The jury know that.

Mr. Bruchhausen: I assume they do.

The Court: I do not think it is a matter I should charge. I have indicated to you that the Bill of Rights is still a good thing.

Mr. Bruchhausen: Also that the claim of $100,000 is based on the claim of $50,000 on each cause of action.

The Court: You are right in that.

(Addressing the members of the jury): Your verdict, if you find for the plaintiff, shall be for any sum not to exceed $50,000 in each cause of action.

Now, ladies and gentlemen of the jury, counsel are not only within their rights, but it is their duty to protect their record, and they have a perfect right to request the Court to charge certain specific things. You are not to form any opinion because the Court did not charge them. Of course, if the Court charged them, you are supposed to pay attention, you are to pay attention to them, but you are not to draw any inference that lawyers are not within their rights when



they do make requests to charge, because they are entirely within their rights.

Anything else?

Mr. Covington: That is all.

The Court: At this time I will discharge Juror No. 13 and Juror No. 14.

(The alternate jurors leave the jury-box.)

The Court: Now, do justice between these parties and these parties alone. Remember, you are not trying anything but this libel suit.

(The jury retired at 10:38 A. M. to deliberate upon the case.)

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(2:50 P. M.)

(In the absence of the jury.)

The Court: I have received from the jury the following message:

"Please send us the testimony of Mr. and Mrs. Heath. When Mr. Rutherford showed Mr. and Mrs. Heath Mr. Moyle's letter, according to law was that publishing the letter?"

You have the written testimony, have you not, Mr. Covington?

Mr. Covington: Yes.

The Court: Give me the testimony of Mr. and Mrs. Heath.

(Testimony handed to the Court.)

(The jury returned to the court room.)

The Court: I have a communication from the jury which reads:



"Please send us the testimony of Mr. and Mrs. Heath."

Do you want the entire testimony of Mr. and Mrs. Heath?

The Foreman: No.

The Court: Then by stipulation of counsel, I will give you the typewritten copy of the testimony, with the consent of the attorney for the plaintiff and the attorney for the defendants, and you will find in that whatever part you are concerned with.

You also ask me this question: "When Mr. Rutherford showed Mr. and Mrs. Heath Mr. Moyle's letter, according to law was that publishing the letter?"

If you find as a fact that Mr. and Mrs. Heath were private secretaries of and to Mr. Rutherford, and that he, Rutherford, showed it to them in their capacities as such, then that alone is not publication.

Mr. Bruchhausen: And I ask your Honor to charge the jury—

The Court: Wait a minute.

(Discussion between Court and counsel outside of the hearing of the jury.)

The Court: Exception to the plaintiff. You will retire now. We will send it up to you.

(Whereupon the jury further retire to deliberate upon the case.)



(3:30 P. M.)

(The jury not present.)

The Court: The jury has sent the following request to the Court. This is the message from the jury:

"Your Honor, was the reading of Mr. Moyle's letter to the Bethel Family considered a publication according to law?"

(signed) "L. Loschmidt, Foreman."

It is stipulated by both counsel that the question may be answered in writing instead of bringing the jury down to the court room. With the consent of counsel for both parties, the question is answered as follows by the Court:

"It is a publication. However, it is for you, the jury, to determine whether or not it was privileged in being so published."

---

(4:26 P. M.)

(The jury returned to the court room.)

The Clerk: Have you agreed upon a verdict, members of the jury?

The Foreman: We have.

The Clerk: What is your verdict?

The Foreman: For the plaintiff.

The Court: In the first cause of action?

The Foreman: The first cause of action is actual $5,000, punitive $10,000.

The Court: And the second cause of action?



The Foreman: The same, actual $5,000, punitive $10,000.

The Court: You find a verdict of $15,000 in the first cause of action and $15,000 in the second cause of action, a total of $30,000 against the defendants; in the first cause of action it will be against all defendants, and in the second cause of action against the corporate defendants?

The Foreman: That is right, your Honor.

The Court: Is it unanimous?

The Foreman: No.

The Court: What was it?

The Foreman: Ten to two.

The Court (addressing Mr. Covington): Do you wish the jury polled, sir?

Mr. Covington: Yes.

The Court: Poll the jury.

(Whereupon, the members of the jury were polled and ten out of the twelve stated that the verdict as reported was their verdict.)

The Court: I want to thank you, members of the jury, for the time that you have spent and the attention you have given the case.

The jury may now be excused.

(The members of the jury leave the court room.)

Mr. Covington: If it please your Honor, at this time the defendants move to set aside the verdict and for a new trial upon all the grounds set forth in Section 549 of the Civil Practice Act and on all the exceptions in the case.

The Court: On all the grounds except inadequacy of damages?

*Colloquy*

Mr. Covington: That is right.

The Court: And on all the exceptions in the case?

Mr. Covington: Yes. We also would like the Court to grant a stay pending—

The Court: Let us dispose of the motions first.

As to the second cause of action, the motion is denied with an exception to the defendants involved in that cause of action.

As to the first cause of action, I would like to hear you, Mr. Bruchhausen.

Mr. Bruchhausen: I believe the verdict is proper on the first cause of action against all of the defendants. There is plenty of evidence to support that verdict. I do not think you could get a clearer case of all these people signing this libel.

The Court: I might say that if I were deciding the case without a jury I would not have found such a verdict in the first cause of action. But, of course, it is not my duty to substitute my judgment for that of the jury.

I will deny the motion. Exception to the defendants.

Now, as far as the stay is concerned, I see no reason why the defendants should not have a stay in this case—do you?

Mr. Bruchhausen: No, if it is not too long.

The Court: How long do you want, sir?

Mr. Covington: We need about thirty days, your Honor.

The Court: You will get thirty days' stay and sixty days to make a case.

Mr. Bruchhausen: That is acceptable.



**Plaintiff's Exhibit 1**

**Information**

Being reminded that this is the time when God is removing from his organization everything that can be shaken, "that those things which cannot be shaken may remain" (Heb. 12:26, 27), the members of the board of directors of the WATCHTOWER BIBLE AND TRACT SOCIETY, for the information and protection of those who are devoted to God's organization, request that *The Watchtower* publish what follows:

On the 21st of July, 1939, a paper writing in the form of a letter, signed by O. R. Moyle, was left at the desk in the lobby of the Bethel home addressed to the president of the Society. Because that paper involved the entire family at Bethel, it was properly brought before the board and before the family. The letter being filled with false, slanderous and libelous statements, was vigorously condemned by the board, and by all the members of the Bethel family. The board unanimously adopted the following Resolution, which was also approved by the family:

"At a joint meeting of the boards of directors of the Pennsylvania corporation and the New York corporation of the WATCHTOWER BIBLE AND TRACT SOCIETY held at the office of the Society at Brooklyn, N.Y., this 8th day of August, 1939, at which other members of the family were present, there was read to said boards and in the presence of O. R. Moyle a letter dated July 21, 1939, written by said Moyle and addressed to the president of the Society.

"For four years past the writer of that letter has been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family



*Plaintiff's Exhibit 1*

of God at Bethel, and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Cor. 4:3; Rom. 14:4)

"The members of the board of directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and his actions, and recommend that the president of the Society immediately terminate the relationship of O. R. Moyle to the Society as legal counsel and as a member of the Bethel family."

Aside from the introductory paragraph announcing the writer's purpose to leave Bethel at a fixed time, every paragraph of that letter is false, filled with lies, and is a wicked slander and libel not only against the president but against the entire family, and for that reason the letter has not been published by the Society. He requested *Consolation* to publish his letter, and Moyle, being refused, now causes his libelous paper to be published and circulated among certain companies of the consecrated, causing the same to be publicly read, and then by his own words, which may be called 'fair speech', he pretends to be in harmony with the Society, and thus further deceives the unsuspecting ones. His only possible purpose in further publishing his letter is to justify himself and to 'cause division among the brethren', both of which are condemned by the Word of God. (Luke 16:15; Rom. 16:17, 18) For this reason the brethren should be warned. "The afore-mentioned letter" being filled with lies leveled against the brethren, the same is hated by Jehovah: "Six



*Plaintiff's Exhibit 1*

things doth the Lord hate; yea, seven are an abomination unto him: . . . a false witness that speaketh lies, and he that soweth discord among brethren."—Prov. 6:16-19.

By inducing others to join with him in the circulation and publication of his slanderous letter among the consecrated he makes others party to his wrong. The slanderous paper, being in opposition and against the interest of the Theocratic government, is pleasing only to the Devil and his earthly agents.

For four years Moyle was entrusted with the confidential matters of the Society, and then, without excuse, he assaults and maligns those who trusted him. Judas was entrusted by Christ Jesus with confidential matters, and Judas proved his unfaithfulness by furnishing to the enemy that which they could use and did use against the Lord. He who maligns the brethren of the Lord maligns the Lord himself, and the end of such the Scriptures plainly point out. Having been warned, each one must choose to join the "evil servant" and take the consequences (Matt. 24:48-51) or remain faithful to Jehovah and his government by Christ Jesus. Choose whom you will serve.

FRED W. FRANZ
N. H. KNORR
GRANT SUITER
T. J. SULLIVAN
W. P. HEATH, JR.
H. H. RIEMER
W. E. VAN AMBURGH
A. R. GOUX
C. A. WISE
C. J. WOODWORTH

Approved for publication
J. F. RUTHERFORD
Pres.



**Plaintiff's Exhibit 2**

**(Extract from page 2 of The Watchtower magazine)**

ITS MISSION

This journal is published for the purpose of enabling the people to know Jehovah God and his purposes as expressed in the Bible. It publishes Bible instruction specifically designed to aid Jehovah's witnesses and all people of good will. It arranges systematic Bible study for its readers and the Society supplies other literature to aid in such studies. It publishes suitable material for radio broadcasting and for other means of public instruction in the Scriptures.

It adheres strictly to the Bible as authority for its utterances. It is entirely free and separate from all religion, parties, sects or other worldly organizations. It is wholly and without reservation for the kingdom of Jehovah God under Christ his beloved King. It is not dogmatic, but invites careful and critical examination of its contents in the light of the Scriptures. It does not indulge in controversy, and its columns are not open to personalities.



**Plaintiff's Exhibit 3**

O. R. MOYLE — Counselor at Law
117 Adams Street — Brooklyn . New York
Telephone — TRiangle 5-1474

July 21, 1939

Bro. Rutherford:

On reading this you will no doubt question why I didn't speak to you concerning this matter while in your office this afternoon. Frankly I didn't want to. I want you to get my entire reasons without interruption or argument. That is why I didn't mention the matter to you today.

O. R. M.

**Plaintiff's Exhibit 4**

OLIN R. MOYLE Counselor
117 Adams Street . Brooklyn . New York
Telephone TRiangle 5-1474

July 21, 1939

Judge J. F. Rutherford,
Brooklyn, N. Y.

Dear Brother Rutherford:

This letter is to give you notice of our intention to leave Bethel on September 1st next. The reasons for leaving are stated herein and we ask that you give them careful and thoughtful consideration.

Conditions at Bethel are a matter of concern to all of the Lord's people. Nowhere among imperfect men can there be perfect freedom from oppression, discrimination and unfair treatment, but at the Lord's headquarters on earth conditions should be such that injustice would be reduced to the minimum. That is not the case here at Bethel and a protest should be made against it. I am in a good position to make such protest because your treatment of me has been generally kind, considerate and fair. I can make this protest in the interests of the Bethel family and of the Kingdom work without any personal interest entering into the matter.

ILL TREATMENT OF BETHEL FAMILY.

Shortly after coming to Bethel we were shocked to witness the spectacle of our brethren receiving what is designated as a "trimming" from you. The first, if memory serves me correct, was a tongue lashing given to C. J. Woodworth. Woodworth in a personal letter to you stated something to the effect that it would be serving the devil to continue using our present day calendar. For that he was humiliated, called a jackass, and given a public lambasting. Others have been similarly treated. McCaughey, McCormick, Knorr, Prosser, Price, Van Sipma, Ness and others have been similarly scolded. They have been publicly called to account, condemned, and reprimanded without any previous notice.

This summer some of the most unfair public reproaches have been given. J. Y. McCauley asked a question which carried with it a criticism of the present method of Watch Tower study. For that he was severely reprimanded. Your action constituted a violation of the principle for which we are fighting, towit, freedom of speech. It was the action of a boss and not that of a fellow servant. Securing an efficient mode of study with imperfect study leaders is no easy task, and no method yet produced has proved to be one hundred per cent perfect. You stated that no complaints had come to you concerning this method of study. If that be the case you have not had all the facts presented to you. There is complaint in various places that the Watch Tower studies have degenerated into mere reading lessons. It may be that the present method is the best that can be used, but in view of known limitations honest criticism should not be censored nor honest critics punished.

Brother Worsley received a public denunciation from you because he prepared and handed to brethren a list of helpful Scripture citations on fundamental topics. How can we consistently condemn religionists for being intolerant when you exercise intolerance against those who work with you? Doesn't this prove that the only freedom permitted at Bethel is freedom to do and say that which you wish to be said and done? The Lord certainly never authorized you to exercise such high handed authority over your fellow servants.

Since the Madison Square Garden meeting there has been a distressing condition of restraint and suspicion at Bethel. The ushers were placed in a tough spot but did an excellent piece of work. They exercised care and diligence in watching arrivals at the Garden, and prevented a number of suspicious characters from entering. They were on the job immediately when the disturbance started and quelled a disturbance which would have otherwise reached serious proportions. But for two weeks following the convention there has been constant criticism and condemnation of them from you. They have been charged with direlection of duty and labelled as "sissies". To see some of these boys break down and cry because of your unkind remarks is, to say the least saddening.

The brethren at Bethel have thoroughly demonstrated their loyalty and devotion to the Lord, and do not need to be berated for wrong doing. A suggestion or a kindly admonition from you would be more than sufficient to check any wrongful action, and would eliminate resentment and induce greater happiness and comfort for the whole family. You have stated many times that there are no bosses in the Lord's organization but the undeniable fact cannot be evaded that your actions in scolding and upbraiding these boys are the actions of a boss. It makes one sick at heart and disgusted to listen to them. If you will cease smiting your fellow servants Bethel will be a happier place and the Kingdom work will prosper accordingly.

DISCRIMINATION.

We publish to the world that all in the Lord's organization are treated alike, and receive the same as far as this world's goods are concerned. You know that is not the case. The facts cannot be denied. Take for instance the difference between the accomodations furnished to you, and your personal attendants, compared with those furnished to some of your brethren. You have many many homes, towit, Bethel, Staten Island, California etc. I am informed that even at the Kingdom Farm one house is kept for your sole use during the short periods you spend there. And what do the brethren at the farm receive? Small rooms, unheated thru the bitter cold winter weather. They live in their trunks like campers. That may be all right IF NECESSARY, but there are many houses on the farm standing idle or used for other purposes, which could be used to give some comfort to those who work so long and so hard.

You work in a nice air conditioned room. You and your attendants spend a portion of the week in the quiet of country surroundings. The boys at the factory diligently work thru the hot summer months without such helps, or any effort made to give them. That is discrimination which should receive your thoughtful consideration.

MARRIAGE

Here again is shown unequal and discriminatory treatment. One brother left Bethel some time ago for the purpose of getting married, and, so I am informed, was refused the privilege of pioneering in New York, apparently as an official disapproval of his action in leaving Bethel. On the other hand when Bonnie Boyd got married she didn't have to leave Bethel. She was permitted to bring her husband into Bethel in spite of the printed rule providing that both marrying parties should have lived there for five years.

Harsh treatment of one and favored treatment of another is discrimination, and should not have a place in the Lord's organization.

FILTHY AND VULGAR LANGUAGE.

The Biblical injunctions against unclean, filthy speaking and jesting have never been abrogated. It is shocking and nauseating to hear vulgar speaking and smut at Bethel. It was stated by a sister that was one of the things you had to get used to at Bethel. The loudest laughter at the table comes when a filth or near filthy joke goes through, and your skirts are not clear.

LIQUOR.

Under your tutelage there has grown up a glorification of alcohol and condemnation of total abstinence which is unseemly. Whether a servant of Jehovah drinks alcoholic liquor is none of my business, except in giving a helping hand to a brother who is stumbled thereby. Whether I am a total abstainer is nobody's business but my own. But not so at Bethel. There appears to be a definite policy of breaking in new comers into the use of liquor, and resentment is shown against those who do not join them. The claim is made, "One can't be a real Bethelite without drinking beer." Shortly after we arrived it was arrogantly stated, "we can't do much with Moyle, but we'll make a man out of Peter." A New York brother intimated that I was out of harmony with the truth and with the Society because I didn't drink liquor. A New York sister stated that she had never used liquor or served it until some of the Bethel boys insisted upon it. A brother who used to drink liquor to excess became a total abstainer after getting the truth. He knew that a single drink of liquor would start him off to his former drinking habits, but in spite of that brethren from Bethel insisted upon his imbibing liquor and inferred that he was out of harmony with the organization through refusing. Total abstainers are looked upon with scorn as weaklings. You have publicly labelled total abstainers as prudes and therefore must assume your share of the responsibility for the Bacchus like attitude exhibited by members of the family.

These are a few of the things which should have no place in the Lord's organization. There are other more grevious injustices but I have had no personal contact with them and therefore do not discuss them.

It hasn't been an easy or pleasant task to write these things to you, and its still harder to make this protest effective by leaving Bethel.

*Plaintiff's Exhibit 4*

We sold our home and business when we came to Bethel and fully intended to spend the rest of our lives at this place in the Lord's service. We leave in order to register most emphatically our disagreement with the unjust conditions related in this letter. We are not leaving the Lord's service but will continue to serve Him and His organization as fully as strength and means will allow.

Neither am I running away from battling the Devil's crowd in the courts. I expect to return to the private practice of law, probably in Milwaukee, Wisconsin, and hope to be in the fight in every way possible. With this letter I am enclosing a statement of the major cases now pending in which I am actively participating. It would be unreasonable and unfair to drop these matters into your lap without further assistance or consideration. I am ready and willing to press these issues in the courts just as vigorously and carefully as though I remained at Bethel, and will do so if that is your desire.

We have considered this action for some time, but this letter is delivered to you just as we are leaving on a vacation trip for very specific reasons. First: It is desirable that you take time for thought and consideration of the matters herein set forth before taking any action. Hasty and ill considered action might be regrettable. Second: Frankly I have no desire for a verbal argument with you over these matters. I have had plenty of occasion to observe that a controversial matter does not receive a calm and reasoned discussion of the facts. Too often it turns into a denunciation of some person by you.



*Plaintiff's Exhibit 4*

I am not interested in that kind of a wordy battle. These statements are the reasons presented by Sister Moyle and myself for leaving Bethel. If we speak erroneously or wrongfully we are responsible before the Lord for so speaking. If we speak truthfully, and we stoutly contend that everything here related is the truth, then there is an immediate responsibility on your part to remedy the conditions necessitating this protest. May the Lord direct and guide you into fair and kindly treatment of your fellow servants is my wish and prayer.

Your Brother in the King's service,

OLIN R. MOYLE.

P. S. Should you desire to write to me concerning these matters during vacation a letter will reach me at Ticonderoga, New York, General Delivery after July 29th.



**Plaintiff's Exhibit 5**

THE WATCHTOWER

ANNOUNCING JEHOVAH'S KINGDOM

Vol. LX November 15, 1939 No. 22

## SNARES

*"Thorns and snares are in the way of the froward; he that doth keep his soul shall be far from them."—Prov. 22:5.*

Jehovah duly warned his typical covenant people concerning the snares that endangered their lives. In the face of such warning the typical people fell into snares, and the nation was destroyed. Jehovah's words of warning were recorded for the specific benefit of those upon whom the ends of the world are now come, meaning the end of Satan's world and the beginning part of the world of righteousness. (1 Cor. 10:11) Such warnings were "written for our learning" (Rom. 15:4) and for the protection of the people of God, who are today in a covenant with him, to the end that they may give heed to such warnings. "See then that ye walk circumspectly, not as fools, but as wise." (Eph. 5:15) To "walk circumspectly" means to look carefully round about and to see to it that one is moving in harmony with the way the Scriptures point out and is doing at all times that which is strictly in harmony with and in the interest of the Theocracy.

A snare is a noose, a net, a hook, or a trap, into which the creature is liable to fall, and especially in danger, when he is not watchful and diligent in doing the will of God. Snares



*Plaintiff's Exhibit 5*

are laid by Satan, the wicked one. In placing snares the Devil uses the wicked spirits and wicked men, all of whom are mortal enemies of the covenant people of God: "The wicked have laid a snare for me; yet I erred not from thy precepts." (Ps. 119:110) "The proud have hid a snare for me, and cords; they have spread a net by the wayside; they have set gins for me. Selah."—Ps. 140:5.

2 The chief work of the wicked one, the Devil, is to destroy creatures who have made a covenant to do the will of God. This the Devil does in his endeavor to carry out his challenge to Jehovah that he, Satan, could turn all men away from God. (Job 2:5) There are many snares or nets laid now by the Devil in his endeavor to entrap the covenant people of God, that is, both the remnant and the Jonathan class, which will form the "great multitude". To enable God's people to detect and to avoid such snares *The Watchtower* calls attention of the covenant people of God, and of all who desire righteousness, to the scriptures which give warning of such snares, and also to the scriptures which point to the way of the only means of escaping such snares.

### RELIGION

A snare that stands at the head of the list of those prepared and set by Satan the Devil is religion. Any form of worship that gives adoration, praise or reverential recognition to any object, creature or thing or image is properly designated as religion and religion is a snare. For this reason Jehovah commanded his cove-



*Plaintiff's Exhibit 5*

nant people: "Thou shalt have no other gods before [above, besides, in the place or stead of] me." (Ex. 20:3) Jehovah God is the source of life, and salvation belongs to him alone. (Ps. 36:9; Ps. 3:8) He grants salvation only to those who obey him. A creature that claims to serve God and who at the same times gives reverential honor, worship or praise to any creature or thing in connection with such worship, is practicing religion. Jehovah God commands all to worship Christ Jesus because Christ Jesus is the express image of his Father, Jehovah, and because he is the Executive Officer of Jehovah always carrying out Jehovah's purpose. (Heb. 1:3-6) But any creature performing a ceremony of adoration or worship, in which reverential honor, praise, or worship is given to a man, to woman or any image or thing, is hereby ignoring God's commandment and is practicing religion in direct violation of the command of the Most High. The setting up and use of images of anything, claiming the same to be a part of the worship of God, is wrong because in violation of God's commandment: "Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth: thou shalt not bow down thyself to them, nor serve them; for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me."—Ex. 20:4, 5.

Knowing this, the Devil shortly after the flood set forward Nimrod as one before, above



*Plaintiff's Exhibit 5*

and in the place and stead of Jehovah God to be worshiped by the people. Nimrod was a mighty hunter and slayer of animals and men and always did so in violation of God's everlasting covenant. In worshiping Nimrod the people entirely forgot the Creator, Jehovah God. Nimrod was the beginning of organized religion. The people were induced to worship Nimrod while he lived and also after his death. He was made a "god" or mighty one, whom the Devil induced the people to worship. (Gen. 10:8-10) The Devil ensnared the people of many nations by leading them to worship the various wicked spirits called "gods" or mighty ones. Religion was thus used as a trap to ensnare the people of all nations. Long thereafter God chose Israel, the descendants of "his friend" Abraham, as his people and made a covenant with them and led them out of Egypt and started them on their way to the promised land. Thereafter he used that people to make pictures foreshadowing things that would come to pass in the end of the world. To safeguard the Israelites from the Devil religion, and to thus enable them to escape the snares of religion, God gave the Israelites specific commandment concerning religion or the worship of gods, spirits, or human mighty ones. Note the specific commandment of Jehovah warning the people against such snares: "Thou shalt not bow down to their gods, nor serve them, nor do after their works; but thou shalt utterly overthrow them, and quite break down their images. And ye shall serve the Lord your God, and he shall bless thy bread, and thy water; and I will take sickness away

from the midst of thee." "They shall not dwell in thy land, lest they make thee sin against me; for if thou serve their gods, it will surely be *a snare unto thee.*"—Ex. 23:24, 25, 33.

[6] The people that inhabited Canaan and the countries round about practiced the Devil religion. These included the Amorites, the Canaanites, the Hittites, the Perizzites and the Jebusites. In making a covenant with the people of Israel and giving them warning against religion, God said to them: "Behold, I make a covenant; before all thy people I will do marvels, such as have not been done in all the earth, nor in any nation; and all the people among which thou art shall see the work of the Lord; for it is a terrible thing that I will do with thee. Observe thou that which I command thee this day; behold, I drive out before thee the Amorite, and the Canaanite, and the Hittite, and the Perizzite, and the Hivite, and the Jebusite. Take heed to thyself, lest thou make a covenant with the inhabitants of the land whither thou goest, *lest it be for a snare in the midst* of thee; but ye shall destroy their altars, break their images, and cut down their groves: for thou shalt worship no other god: for the Lord, whose name is Jealous, is a jealous God; lest thou make a covenant with the inhabitants of the land, and they go a whoring after their gods, and do sacrifice unto their gods, and one call thee, and thou eat of his sacrifice." (Ex. 34:10-15) God thus gave his law to his people to safeguard them from religion, the snare of the Devil, in order that they might be as a people ready to receive Christ when he came.



[7] Shortly before reaching the promised land Jehovah caused Moses to deliver to the Israelites His commandment concerning their proper conduct, and in this He specifically pointed out religion as a snare of the wicked one into which the Israelites were liable to fall and which they must be diligent to shun: "And thou shalt consume all the people which the Lord thy God shall deliver thee; thine eye shall have no pity upon them; neither shalt thou serve their gods; for that *will be a snare unto thee.* If thou shalt say in thine heart, These nations are more than I; how can I dispossess them? Thou shalt not be afraid of them; but shalt well remember what the Lord thy God did unto Pharaoh, and unto all Egypt." "*The graven images of their gods shall ye burn with fire; thou shalt not desire* the silver or gold that is on them, nor take it unto thee, *lest thou be snared therein; for it is an abomination to the Lord thy God.*"—Deut. 7:16-18, 25.

[8] Here God warns specifically against the snare of religion and also against the snare of fear: "Take heed to thyself, that thou be not snared by following them, after that they be destroyed from before thee; and that thou inquire not after their gods, saying, How did these nations serve their gods? even so will I do likewise. Thou shalt not do so unto the Lord thy God; for every abomination to the Lord, which he hateth, have they done unto their gods; for even their sons and their daughters they have burnt in the fire to their gods. What thing soever I command you observe to do it; thou shalt not add thereto, nor diminish from it."—Deut. 12:30-32.



[9] Joshua succeeded to the place occupied by Moses. Both Moses and Joshua were types of Christ Jesus, and their words delivered to natural Israel applied specifically as commandments given by Jehovah through Christ Jesus to those now on earth who are in a covenant to do the will of God. They both spoke God's commandments to the people, warning them against the snare of religion. Joshua delivered to the people God's commandment: "Take good heed therefore unto yourselves, that ye love the Lord your God." "Know for a certainty that the Lord your God will no more drive out any of these nations from before you; *but they shall be snares and traps unto you,* and scourges in your sides, *and thorns in your eyes,* until ye perish from off this good land which the Lord your God hath given you." "When ye have transgressed the covenant of the Lord your God, which he commanded you and have gone and served other gods, and bowed yourselves to them; then shall the anger of the Lord be kindled against you, and ye shall perish quickly from off the good land which he hath given unto you." (Josh. 23:11, 13, 16) By his angel God delivered this further message to the people of Israel: "And an angel of the Lord came up from Gilgal to Bochim, and said, I made you to go up out of Egypt, and have brought you into the land which I sware unto your fathers; and I said, I will never break my covenant with you. And ye shall make no league with the inhabitants of this land; ye shall throw down their altars; but ye have not obeyed my voice; why have ye done this? Wherefore I also said, I



will not drive them out from before you; but they shall be as thorns in your sides, and *their gods shall be a snare unto you.*"—Judg. 2:1-3.

[10] At the present time and for some time past men have been made mighty ones in the eyes of the people. These include the pope, the cardinals, and bishops and others of the Hierarchy; and images are used in connection with their worship, and while the people are induced to believe they are worshiping God they give honor and praise and adoration to creatures, in direct violation of God's law, and thus they practice religion, which originated with the Devil and which constitutes a snare into which many people are caught.

[11] Although duly warned of the snares which the Devil had laid for them, the Israelites forsook their covenant and practiced religion, recognizing and bowing down to the wicked spirits: "And they forsook the Lord God of their fathers, which brought them out of the land of Egypt, and followed other gods, of the gods of the people that were round about them, and bowed themselves unto them, and provoked the Lord to anger. And they forsook the Lord, and served Baal and Ashtaroth. And the anger of the Lord was hot against Israel, and he delivered them into the hands of spoilers that spoiled them, and he sold them into the hands of their enemies round about, so that they could not any longer stand before their enemies. Whithersoever they went out, the hand of the Lord was against them for evil, as the Lord has said, and as the Lord had sworn unto them; and they were greatly distressed." "And yet they would not



hearken unto their judges, but they went a *whoring after other gods,* and bowed themselves unto them; they turned quickly out of the way which their fathers walked in, obeying the commandments of the Lord; but they did not so." (Judg. 2:12-15, 17) "*And they served their idols; which were a snare unto them.* Yea, they sacrificed their sons and their daughters unto devils."—Ps. 106:36, 37.

[12] When the Lord Jesus came to the earth and went about preaching the truth to the people he found that religion had been adopted and was being practiced by that people in the place and stead of the true worship of Almighty God. The Pharisees or other teachers who led in the practice of religion made the claim that they were serving God, even as the Papacy makes that claim today, but Jesus told them that they drew near to God with their mouths only, but their heart devotion was not to Him and therefore they were serving the Devil and had become the children of the Devil.—Matt. 15:1-9; John 8:42-44.

[13] Saul of Tarsus was a Pharisee and a practitioner of religion, which religion originated with Satan and was supported by the traditions of men and taught by them, yet the claim was made that such was the worship of Almighty God. (Gal. 1:10-14) The Lord revealed to Saul the truth concerning himself and opened Saul's understanding, and he immediately thereafter abandoned religion and worshiped God in spirit and in truth. Thereafter he was known as Paul, the apostle to Jesus Christ, and henceforth served God and Christ, proving his faithfulness



and devotion to the Lord to the end. (Acts 9:1-20; 26:1-21; 2 Tim. 4:6-8) Saul was a zealous Pharisee and persecutor of Christians and was caught in the religious snare of the Devil. Because of his honesty of heart the Lord delivered him from that snare of religion and made him the true servant of Christ Jesus. The foregoing scriptures prove beyond any question of doubt that religion is a snare of the Devil; and when religion is practiced in the name of God and Christ it is even a greater means of deception and is an abomination in the sight of God because it is fraudulent and hypocritical and subtly turns the people away from Jehovah.

[14] Let it be assumed that the Papal church system was organized originally by sincere men. Early in the existence thereof the teaching of men was substituted for the true worship of Almighty God. From then till now images have been employed in connection with the religious practices of the Papal system. In that church system men are honored and praised, and to such men others bow down. Images are used and prayers are made to creatures, contrary to God's Word. Great reverence and devotion are shown to creatures. The Papal religion is clearly and openly a violation of God's law. It is proved to be one of the most subtle snares of the Devil. Millions of sincere persons have been caught in that snare, and the result is that millions of persons ignorantly worship creatures and images, in defiance of God's law. Religion has become a political organization, carried on in the name of God, and by religion the men who practice it are enabled to carry on the worst

racket known amongst men. It is not at all necessary to find that all who are practicing religion are dishonest. On the contrary, many sincere persons have been caught in the snare of religion, even as Paul was ensnared. Many are the victims of the religious racket, and these are repeatedly robbed of their material substance by the false claims of religious leaders who take their money upon the pretext that they are getting for the people favors with God.

[15] In the present day God has revealed to the honest seeker after truth that religion is a snare of the Devil, and one who has received such knowledge from the Lord has laid upon him the obligation to tell others about that snare in order to aid others in gaining a knowledge of the truth, that they may flee from religion and find the true way to life. Therefore Jehovah's witnesses and their "companions" proclaim to the people the Word of God, that "religion is a snare and a racket" This is done not for the purpose of holding up creatures to ridicule but for the purpose of aiding honest and sincere persons to escape from these snares of the Devil and to learn what it means to worship God in spirit and in truth, and to find the way to life. The sounding of the message of truth today is a warning to the people, and such warning should be sounded with firmness and yet with kindness, because God has commanded such warning to be given. The purpose is not to offend anyone, but to aid sincere persons to see the danger into which they have fallen and the only means of escape. It is now fatal to be caught in and remain in the religious snare. At the same time there are other snares



laid by the Devil and which are closely allied to religion, and into those snares many are caught and held and which lead to their destruction. Attention is here called to some of these snares.

FEAR

[16] It is written in the Word of God: "The fear of man bringeth a snare." (Prov. 29:25) This text, of course, means that to have a dread or fear of men leads into a snare; but the fear that men may do one an injury is not the only fear included in this text. The word "fear" has a much broader meaning than merely to anticipate that you are about to receive some physical injury. The word here used means "to tremble", means "inciting reverential adoration toward others"; hence it is seen that fear is not limited to anticipated bodily injury. It also means the fear that one may not have the approval of men or receive the plaudits of men. One who is anxious to receive the approval of men is therefore the victim of fear. To dread to be disapproved by men even for doing one's duty is fear that leads into the Devil's snare. If one is commanded or commissioned by the Almighty God to do and perform a certain thing, and then fails or refuses to carry out that commission because of fear that the performance thereof would call down upon himself the disapproval of others, then he is thereby led into the snare of the Devil. Often one is heard to say: "If I go into the witness service, going from house to house and speaking the gospel message, what will the people think of me? It is the fear of men that leads one to such conclusion, that is, fear that human



creatures will not think well of the one who goes into God's service. God commends his covenant people to sound the doom of religion and the warning to the people of the means of escape. One who has made a covenant to do the will of God, and who then refrains from sounding the message of Jehovah against religion because he fears to receive the reproach of others for so doing, is thereby led into Satan's snare. One who refuses to tell the truth of God's Word by announcing that religion is a snare and a racket thereby refuses to speak the truth of and concerning the Roman Catholic Hierarchy as set forth in the Scriptures. Or if he refuses to speak the truth concerning other religious practices, or if he puts on the soft pedal concerning religion and does so because of a desire to escape adverse criticism of men, such person is the victim of fear and is thereby caught in the snare of the Devil.

[17] The great issue is God's kingdom, the Theocracy by Christ Jesus, against Satan's organization. All of God's covenant people are commanded to proclaim the kingdom message as his witnesses, and anyone of such covenant people who fails or refuses to proclaim that message against Satan's organization and in favor of the Theocracy as commanded, and so fails or refuses because of fear of receiving adverse criticism of men, is thereby led straightway into the Devil's snare. The professed Christian who desires and seeks approval of men cannot be faithful to Jehovah and to his King. The man who desires to be highly thought of amongst men, and refrains from bold service to the Lord for that



reason, is ensnared by the Devil. When Paul received the truth and became the apostle of Jesus Christ he no longer sought the approval of men, but proclaimed the kingdom gospel in spite of all criticism and persecution that were heaped upon him. As the apostle of the Lord Paul wrote: "Do I seek to please men? for if I yet pleased men, I should not be the servant of Christ." (Gal. 1:10) It was because of his boldness and faithfulness in preaching the gospel concerning Jehovah and his King and Kingdom that he not only was reproached but suffered all manner of cruel persecution at the hands of men. In this he rejoiced, because, as he pointed out, such was necessary to prove faithfulness under persecution in order to have a part with Christ Jesus in his kingdom.—Col. 1:24.

[18] The man who claims to have consecrated himself to God and who then seeks to be what is generally called "a good fellow" amongst others, and craves the favor of men, proves himself thereby to be a man-pleaser, which is an abomination in the sight of God. (Eph. 6:6; Col. 3:22) If a man claims to be consecrated to God and is a lawyer and appears in court as counsel for another consecrated person, and then conducts himself and the case on trial in such a manner that he might receive the approval of other men in the court, such lawyer is a man-pleaser and proves his unfaithfulness to God and to the kingdom. The treatment of one of God's children is the treatment of the Lord Jesus Christ, as Jesus himself declares: "Then shall he answer them, saying, Verily I say unto you, Inasmuch as ye did it not to one of the least of



these, ye did it not to me." (Matt. 25:45) One who fails or refuses to look well to and defend the interest of a Christian, and does so in order that he might appear as a good fellow in the eyes of other men, is therefore the enemy of Christ. What God requires of his servants is to be wholly devoted to him and his kingdom. There can be no proper course of compromise with any part of Satan's organization. To receive the Lord's approval one must be wholly and entirely for the Lord. Fear of receiving the disapproval of men is due to self-pride, which is also fear, and which leads into Satan's snare and ends in destruction. "Pride goeth before destruction, and an haughty spirit before a fall. Better it is to be of an humble [obedient] spirit with the lowly [the followers of Christ], than to divide the spoil [honor] with the proud."—Prov. 16:18, 19.

[19] Those who practice religion seek the approval of others and thus attempt to make others believe that they are exceedingly of good character, and this they do because of fear, that is to say, fear that others may not think so well of them. In this they fail to be obedient to God's commandment and are led into a snare. Because of his imperfection no one can develop himself to perfection that God would approve him, but he can keep his heart perfect and his devotion wholly to God, and such is required in order to receive God's approval.

[20] Reverence exhibited toward men, such as that shown toward the pope and other officials of the Hierarchy, is induced by fear and leads into the Devil's snare. The *kelling* or hailing



of men and praising men is induced by fear of man, is an abomination in the sight of God, and leads into the snare of the Devil and ends in destruction of such fearful ones.

FROWARD

[21] Within the meaning of the Scriptures, the word "froward" means "being perverse", and therefore means that one is disobedient to God's appointed way, not willing to obey instructions from the Lord, but is one who seeks the approval of men and becomes a murmurer and complainer against God's organization. The indisputable facts have shown and do show that there have been many persons who claim to be in a covenant to do the will of God, and who not only have shown their unwillingness to be obedient to God's commandments but have caused divisions amongst God's people by evil speaking and by speaking against the manner and means through which God carries on his kingdom work. Concerning such it is written: "Thorns and snares are in the way of the froward; he that doth keep his soul shall be far from them."—Prov. 22:5.

[22] Thus it is seen that the disobedient one, the murmurer and complainer, is led straightway into the trap of the Devil and becomes the enemy of God's kingdom. Moses prophetically wrote concerning such as vowed to do God's will and then took a perverse course: "And he said, I will hide my face from them, I will see what their end shall be; for they are a very froward generation, children in whom is no faith. They have moved me to jealousy with that which is not God; they have provoked me to anger with their vani-

ties; and I will move them to jealousy with those which are not a people; I will provoke them to anger with a foolish nation."—Deut. 32:20, 21.

[22] From time to time there are some who claim to be God's servants, and who because of fear of receiving the disapproval of men have become offended, then murmur and complain, and withdraw from God's organization and his service and return to worldly vocations. In order to find an excuse or justification for such action such persons indulge in perverse speech concerning the Lord's organization on earth and murmur and complain and speak wickedly against those who are endeavoring to serve the Lord. Such is a froward or perverse person within the meaning of the Scriptures, and concerning such it is written: "Likewise also these filthy dreamers defile the flesh, despise dominion, and speak evil of dignities. But these speak evil of those things which they know not; but what they know naturally, as brute beasts, in those things they corrupt themselves:"—Jude 8 and 10.

[24] Such perverse persons seek a personal reward or gain by posing in the presence of others, hoping to be classed as approved critics of God's organization by reason of their feigned goodness, but are hypocritical; and concerning such Jude further says: "Woe unto them! for they have gone in the way of Cain, and ran greedily after the error of Balaam for reward, and perished in the gainsaying of Core. These are spots in your feasts of charity, when they feast with you, feeding themselves without fear [of God]; clouds they are without water, carried about of winds; trees whose fruit withereth, without fruit, twice



dead, plucked up by the roots. These are murmurers, complainers, walking after their own lusts; and their mouth speaketh great swelling words, having men's persons in admiration because of advantage."—Jude 11, 12, 16.

TONGUE

[25] The tongue of the evil speaker becomes a snare, of which Satan takes advantage to entrap the one who claims to be devoted to the Lord and who indulges in evil speech: "A fool's mouth is his destruction, and his lips are the snare of his soul." (Prov. 18:7) Such persons hope to make themselves of good reputation among men by falsely accusing God's organization and his servants, and, thus indulging in false and evil speech, they find themselves ensnared in Satan's trap. One whom the Lord favors with a place in his organization, and which person occupies a position therein of confidence towards his organization and has in charge confidential matters, and who then assaults the organization with false and evil words, shows himself to have been ensnared by the wicked one. He discloses that he has ignored God's word and has been led by fear that he will not receive the approval of others unless he follows the course of evil speaking. Such a person shows that he has no fear of God, but that he does fear men, desiring their approval. He likewise shows that if he ever had a vision of the Kingdom he has entirely lost such vision. Having once started to serve the kingdom, unless that one has a vision of the Theocratic government and then wholly and completely devotes himself to and endeavors to



promote the interest of the Theocracy, he is certain to be ensnared by the Devil. Being thus insincere he indulges in evil speech against God's organization, showing his offense against the Lord. What is the result of such? Jesus answers: "The Son of man shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity." (Matt. 13:41) The facts show that such persons generally return to the religious organization and indulge thereafter in religious practices by reason of being completely in the snare of the enemy.

MILLIONS ENSNARED

[26] There are numerous snares which the Devil has set for men, but without a doubt it is the religion snare that has caught the greatest number. Fear has led almost all of the people into that snare, who have thus been caught in the organizations. Millions have allied themselves with religious organizations, being induced to believe that they are thereby serving the Lord for self-protection. Concerning such it is written in the Word of God: "Wherefore the Lord said, Forasmuch as this people draw near me with their mouth, and with their lips do honour me, but have removed their heart far from me, and their fear toward me is taught by the precept of men." (Isa. 29:13) Thus it is shown that their fear is due to the teachings of men. That is exactly the condition of many religionists today; and the leaders in these religious organizations having proved their unfaithfulness to God and to their covenant, Jehovah then com-



mits his "strange work" to his humble and obedient servants on the earth, and hence he uses them 'to do a wonderful work'. (Isa. 29:14) Such privilege is denied religionists.

[27] Today the fear of men controls almost all who are a part of or under Satan's organization. The entire world is "jittery". The people of the world fear what men may do to them and what others may think of them, but they do not fear God, and are hence against him and his kingdom. The Lord Jesus pointed out specifically that this condition would exist at the end of the world, and all the facts prove that that prophecy is in course of fulfillment. (Luke 21:26) And what is the end of such fearful ones? The answer is found in the Scriptures, and the following are some of the texts: "I have laid a snare for thee, and thou art also taken, O Babylon, and thou wast not aware; thou art found, and also caught, because thou hast striven against the Lord. The Lord hath opened his armoury, and hath brought forth the weapons of his indignation; for this is the work of the Lord God of hosts in the land of the Chaldeans." (Jer. 50:24, 25) "Fear, and the pit, and the snare, shall be upon thee, O inhabitant of Moab, saith the Lord. He that fleeth from the fear shall fall into the pit; and he that getteth up out of the pit shall be taken in the snare; for I will bring upon it, even upon Moab, the year of their visitation, saith the Lord." (Jer. 48:43, 44) "Fear, and the pit, and the snare, are upon thee, O inhabitant of the earth. And it shall come to pass, that he who fleeth from the noise of the fear shall fall into the pit and he that cometh



up out of the midst of the pit shall be taken in the snare; for the windows from on high are open, and the foundations of the earth do shake." —Isa. 24:17, 18.

[28] The ungodly and the wicked do not fear Jehovah, but they do fear men. "There is no fear of God before their eyes." (Rom. 3:18) "But it shall not be well with the wicked, neither shall he prolong his days, which are as a shadow; because he feareth not before God."—Eccl. 8:13.

[29] But what of those who have made a covenant to do the will of God and who because of fear of creatures fail or refuse to serve God faithfully?

[30] Suppose one claims to be in a covenant to do the will of God and has then committed to him service of a confidential nature in God's organization and which confidential relationship he occupies and serves in for a time, and suppose such person suddenly conceives the idea that he must forsake the service of God's organization and return to worldly pursuits, and in doing so he is moved by some selfish reason, such as fear of what men might think of him, that is, what his reputation might be amongst men if he continues in his position of service with God's organization, or because he does not like and approve someone else in the Lord's organization. As an excuse for returning to worldly pursuits he then writes and files with the Society a paper in which he makes many accusations against others who are serving in God's organization. Desiring to have the approval of other men as to his course of action in leaving God's organization, he notifies men in advance of his return to worldly pursuits and that he intends to do so



because of his disapproval of the Society's methods of carrying on the Lord's work and of his disapproval of certain servants of the Society. What is his position with the Lord? (Rom. 14:4) The moving cause for such action is a failure to fear God and having a fear of men, that is to say, fearing that he will not receive man's approval. Such a course of action shows a lack of love for God and hence a failure to perfect love and practice perfect love. "There is no fear [of men or devils] in love; but perfect love [of Jehovah and his kingdom] casteth out fear; because fear hath torment. He that feareth [men] is not made perfect in love."—1 John 4:18.

[31] One who has "put his hand to the plow", that is, has undertaken to serve God and the people of his organization, and who then turns back to worldly pursuits, shows a failure to fear God; and of such the Lord Jesus speaks: "And Jesus said unto him, No man, having put his hand to the plough, and looking back, is fit for the kingdom of God."—Luke 9:62.

[32] It is not for man to judge, but the judgment of the Lord has been written and it is man's duty who serves the Lord to call attention to the same, in order that others may be warned of the snares and pitfalls in the way of those who are in a covenant to do God's will. In the following text it is shown by the Lord Jesus that the fearful and unbelieving and abominable are all in the same class, and other texts of the Bible show that the fearful are those who fear they will not receive the approval of men, and concerning such the Lord Jesus says: "But the

fearful, and unbelieving, and the abominable, and murderers, and whoremongers, and sorcerers, and idolaters, and all liars, shall have their part in the lake which burneth with fire and brimstone; which is the second death." (Rev. 21:8) One who has a vision of the kingdom now, and who loves the King, fears God, and thus continuing to fear God he will never turn back to the world.

MEANS OF ESCAPE

32 How can a man escape the snares of the Devil? "The fear of man bringeth a snare; but whoso putteth his truth in the Lord shall be safe." (Prov. 29:25) Thus it is shown that one's only safety is to put his trust wholly in the Lord. Fear of man leads into the Devil's snare and into destruction. Fear of God is the way of escape from the Devil's snare and leads to life. One who undertakes to serve God must love him, which means to be unselfishly devoted to God and to his service. That man who has unselfishly devoted himself to God's service is pursuing a wise course: "The fear of the Lord is the beginning of wisdom; and the knowledge of the holy is understanding." (Prov. 9:10) Otherwise stated, the man does not begin to be wise until he fears God. He begins to see and to appreciate the relationship of man to Jehovah the Creator. He learns that God is the fountain of life. (Ps. 36:9) Only those who fear God can receive the blessings of the fountain of life. "In the fear of the Lord is strong confidence; and his children shall have a place of refuge. The fear of the Lord is



a fountain of life, to depart from the snares of death."—Prov. 14:26, 27.

33 The man who fears God does not give heed to what other men may say about him. The wise man is one concerned altogether about what God may think of him. He craves the approval of God because he knows that he must have God's approval before he can obtain life. To have the disapproval of Jehovah God means destruction. As the fear of God is the beginning of wisdom on the part of man, it follows that man must ever thereafter continue to fear God and particularly to fear that he might not receive God's approval. The only means, therefore, of escaping the snare of the Devil is the fear of God and to have no fear whatsoever of man. The approval of man by the Lord God means everything. Jehovah therefore said to his typical covenant people, and his words with far greater force now apply to his covenant people on earth, to wit: "Sanctify the Lord of hosts himself; and let him be your fear, and let him be your dread. And he shall be for a sanctuary."—Isa. 8:13, 14.

34 That sanctuary is the holy place and the place of safety from the snares of the wicked one. For a Christian to manifest fear of man, even the fear that he would not receive the approval of man, is an open and direct insult to Jehovah God, and God permits him thus to be led into the Devil's snare.

35 This is the day of evil, the time of wickedness, and wickedness has gone to seed. It is the time of peril. For a Christian to have fear of man means lack of faith in God. Therefore



says the Lord: "Let [Jehovah] be your fear, and let him be your dread." He is the God of battle, and he will destroy the enemy, and all who ally themselves with the enemy will suffer destruction. Therefore the Christian at all times craves the approval of Almighty God and fears that he might come short of that approval. "Let us therefore fear, lest, a promise being left us of entering into his rest, any of you should seem to come short of it."—Heb. 4:1.

37 The Christian must devote himself wholly to God's service and completely trust the Most High. For a Christian to fear that he might not have the approval of others is certain to result in his disapproval by the Lord God. His fear of God is the beginning of wisdom, and if he continues to be wise he will continue to fear Jehovah and particularly to fear that he might fail to receive Jehovah's approval. "In God I will praise his word; in God I have put my trust; I will not fear what flesh can do unto me." (Ps. 56:4) "The Lord is on my side; I will not fear; what can man do unto me?" (Ps. 118:6) "Hearken unto me, ye that know righteousness, the people in whose heart is my law; fear ye not the reproach of men, neither be ye afraid of their revilings."—Isa. 51:7.

THE THEOCRACY

38 Jehovah's government by Christ Jesus is The Theocracy. Set over against the Theocracy is Satan's world, which soon shall be completely destroyed. The conflict between the Theocracy and Satan's organization is therefore a deadly one. There can be no compromise. At the end



every creature will be on the side of one or of the other. Only those who are of the Theocratic government, and those who find refuge under that Theocratic government, can hope for life. All opponents of the Theocracy are certain to be destroyed. The desire to have or seeking to have the favor of any part of Satan's organization, or to have the approval of men of that organization or outside of it, means that such person does not have a vision of the Theocracy, or else he is deliberately and knowingly opposed to the Theocracy. In either case the result will be the same. The man who now has a vision of the kingdom with appreciation sees that everyone who is not for the kingdom is against it. "He that is not with me is against me; and he that gathereth not with me scattereth abroad." (Matt. 12:30) Either one must be working for the kingdom or else he is against the kingdom. If a man has a vision of the kingdom, which God has now revealed to those who love him, that man loves the kingdom and will permit nothing to turn him away from a full devotion to and service of the kingdom. He sees that the kingdom is the means of the complete vindication of Jehovah's name and is the only means of salvation for man. He sees that the Theocracy by Christ Jesus is the hope of humankind. (Matt. 12:18-21) He sees that one who enters into and becomes a part of the kingdom, or who finds protection under the kingdom, must be wholly and entirely devoted to God and to his King. He sees that all who receive life and the attending blessings thereof must have the approval of Jehovah, and therefore he gives heed



to the admonition: 'Study to shew thyself approved unto God, a workman that needeth not to be ashamed"; nor does he fear what man might say about him. (2 Tim. 2:15) He desires to have no part in the things of this world, and therefore he does not covet anything that the world can possibly give including the approval of men. "Let your conversation [course of action] be without covetousness; and be content with such things as ye have [temporal things included]: for he hath said, I will never leave thee, nor forsake thee. So that we may boldly say, The Lord is my helper, and I will not fear what man shall do unto me."—Heb. 13:5, 6.

39 One in a covenant with the Lord may be working in His organization by the side of one who does not please him. He may think that he has cause for offense because of the action of others of the Lord's organization who are serving; but if he has a vision of the kingdom he will not permit that dislike of others to be an excuse for separating himself from the Lord's organization and the service thereof, which he has undertaken by the Lord's favor. He will have in mind that God is conducting his own affairs according to his own sovereign will, and that the Lord alone chooses his own servants. (Rom. 14:4) He knows that God alone is right and righteous, and if he has a vision of the kingdom he loves God and loves his law and so he continues in peace and contentment to serve in the place where he is put, and that without offense: "Great peace have they which love thy law; and nothing shall offend them."—Ps. 119:165.



40 Having a vision of the kingdom, which is made possible for him by reason of the love of God and his King, that person fully determines that nothing shall separate him from the love and service of God and his King: "Nay, in all these things we are more than conquerors through him that loved us. For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord."—Rom. 8:37-39.

41 The man who now has a vision of the kingdom and who loves the kingdom beholds the glorious high Throne thereof, and he knows that such is the sanctuary of all who hope for life, and that there is none other. He knows that whether he lives or dies at the hand of the enemy his hope is in that glorious Theocracy and that it is the hope of all spiritual Israel, and of the "great multitude" that shall "fill the earth". He appreciates the prophetic words recorded by Jeremiah and which apply to those who now trust Jehovah: "A glorious high throne from the beginning is the place of our sanctuary. O Lord, the Hope of Israel [God's faithful people], all that forsake thee shall be ashamed, and they that depart from me shall be written in the earth, because they have forsaken the Lord, the fountain of living waters."—Jer. 17:12, 13.

AVOIDS PITFALLS

"The man who has a vision of the Theocracy, and whose hope is centered therein, walks circumspectly, fearing God, lest he fail to receive God's approval. (Heb. 4:1) Therefore he watches out for snares or pitfalls and is diligent to avoid them. He shuns religion because he knows that religion is one of the most fatal snares set by the Devil. He refuses to have anything to do with religion, but, on the contrary, is diligent to warn those who will hear that religion is an abomination in the sight of Almighty God. He knows that, once having been enlightened concerning God's purpose and his kingdom, to then turn again to the "beggarly elements" of the world means complete disapproval of God, ending in destruction. (Gal. 4:9) "For it had been better for them not to have known the way of righteousness, than, after they have known it, to turn from the holy commandment delivered unto them. But it is happened unto them according to the true proverb, The dog is turned to his own vomit again; and the sow that was washed to her wallowing in the mire."—2 Pet. 2:21, 22.

"To him who visualizes the kingdom the full-time service to the King and kingdom is dearest to his heart, and he fears to lose the opportunity of service, and he will not voluntarily withdraw himself from that service for any reason.

"The man visualizing the kingdom hates flattery, because he knows that flattery is a net into which he is liable to be caught and destroyed. "A man that flattereth his neighbour spreadeth a net for his feet." (Prov. 29:5) He yields not to flattery of one, even the one nearest to him, including his wife, because he believes, as it is written, "A flattering mouth worketh ruin." (Prov. 26:28) He refuses to give flattery to men, knowing the danger resulting therefrom. Elihu, who pictured the faithful members of the body of Christ, with authority from God said: "Let me not, I pray you, accept any man's person; neither let me give flattering titles unto man." (Job 32:21) "The Lord shall cut off all flattering lips, and the tongue that speaketh proud things." (Ps. 12:3) Therefore the man who loves God and has a vision of the Theocracy does not glory in himself or in his selfish attainments, but glories in the Lord and in his kingdom. He does not desire or crave the approval of men, but he greatly desires and craves only the Lord's commendation: "But he that glorieth, let him glory in the Lord. For not he that commendeth himself is approved, but whom the Lord commendeth."—2 Cor. 10:17, 18.

"The man who now has a vision of the kingdom and who has his heart fixed upon it casts away from him all fear of men or devils. He loves God, and he serves him wholly and continuously: "And we have known and believed the love that God hath to us. God is love; and he that dwelleth in love dwelleth in God, and God in him. Herein is our love made perfect, that we may have boldness in the day of judgment; because as he is, so are we in this world. There is no fear in love; but perfect love casteth out fear; because fear hath torment. He that feareth is not made perfect in love."—1 John 4:16-18.

"He who loves God does not fear that he might fail to receive the approval and commendation of men, because he knows that such fear opens before him a pit into which he is likely to fall. He does fear God, knowing that by fearing God he begins to be wise, and he desires to forever pursue a wise course, that he may receive God's approval. Like the faithful apostle, he obeys God rather than men. (Acts 5:29) Free from fear of the opponents of the Theocracy, he goes forward in obedience to his divinely given commission, proclaiming the good news with a light and joyful heart. He has entered into the joy of the Lord and craves to have a part in the vindication of Jehovah's name.

"A man who covenants to be obedient to God's law may awake to the realization that he is tied in marriage to a woman who opposes the kingdom and who attempts to force her husband to cease serving the King. Even the wife may be also consecrated to the Lord but attempts to control her husband in the course of action which he takes. The man who yields to such influence walks right into the pitfall or net set by the adversary. The one who has a vision of the kingdom recognizes that his first obligation is to Jehovah God and to his King, Christ Jesus, and he gives full consideration and obedience to the words of the King, to wit: "If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple." (Luke 14:26) His love must be for God and against all who are against God's government. Likewise the woman may find herself bound to a man who opposes the kingdom, but she is reminded that her first obligation is to Jehovah



and his King and kingdom, and she takes the course of serving God first and all the time. To yield to any human creature because of fear that one will not receive the approval of men is certain to lead into a snare. Therefore the Christian who wholly devotes himself to the Lord, and who has a vision of the kingdom and continues to faithfully serve the King, rejoices that, so far as he is concerned, the snare set for him by the Devil has been broken and that he has escaped therefrom and found refuge and peace and safety in the Lord. Out of his mouth come with joy the appropriate words of the psalmist: "Blessed be the Lord, who hath not given us as a prey to their teeth. Our soul is escaped as a bird out of the snare of the fowlers; the snare is broken, and we are escaped. Our help is in the name of the Lord, who made heaven and earth."—Psalm 124:6-8.

GREAT

"The members of the remnant yet on the earth, and who are in line for the kingdom, are in themselves very imperfect and hence make many mistakes. Those who are their "companions" are likewise imperfect and make mistakes. All such fully realize that their strength comes from the Lord and in his strength they can accomplish the work committed unto them. They know that if they keep a perfect heart devotion to God his everlasting strength will be manifested in their behalf: "For the eyes of the Lord run to and fro throughout the whole earth, to shew himself strong in the behalf of them whose heart is perfect toward him." (2 Chron. 16:9)



The faithful see and appreciate the greatness of the kingdom and that it is their privilege to firmly stand together and fight for their brethren and, doing so, to never yield because of fear of any man or devil and to never quail before the enemy. (Phil. 1:27-29, *Weymouth*) They are not surprised when some do yield to fear and fall away to the enemy and are ensnared. The faithful do not sorrow or weep because of the fall of such, because to do so would be to violate God's commandment.—Ezek. 24:16.

"The faithful remnant and companions recognize the kingdom as the greatest creation of God, and in the kingdom is centered their hope. God has builded up Zion, his capital organization, and made Christ Jesus the Head thereof, and there Jehovah establishes his dwellingplace. (Ps. 132:13) Those who truly love and fear God, who are fully and completely devoted to him, have fixed their hearts upon the kingdom, and hence they joyfully sing the song of Jehovah's prophet: "Great is the Lord, and greatly to be praised in the city of our God, in the mountain of his holiness. Beautiful for situation, the joy of the whole earth, is mount Zion, on the sides of the north, the city of the great King. God is known in her palaces for a refuge." (Ps. 48:1-3) "Truly my soul waiteth upon God; from him cometh my salvation. He only is my rock and my salvation; he is my defence: I shall not be greatly moved." (Ps. 62:1, 2) "Great is the Lord, and greatly to be praised; and his greatness is unsearchable." (Ps. 145:3) The fear of Jehovah is the beginning of wisdom: "The fear of [Jehovah] is clean, enduring for ever." (Ps. 19:9) All those who



get life shall fear Jehovah. "O fear the Lord, ye his saints: for there is no want to them that fear him." (Ps. 34:9) "Let all the earth fear the Lord; let all the inhabitants of the world stand in awe of him." (Ps. 33:8) "With [Jehovah] is my salvation and my glory; the rock of my strength, and my refuge, is in [Jehovah]."—Ps. 62:7, *A.R.V.*

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**Plaintiff's Exhibit 6**

THE WATCHTOWER

ANNOUNCING JEHOVAH'S KINGDOM

Vol. LX September 1, 1939 No. 17

FOR YOUR INFORMATION

By reason of his unfaithfulness to the kingdom interests, and to those who serve the kingdom, O. R. Moyle is no longer with the Society. The full board of directors of the Society on August 8, by Resolution, unanimously demanded that the president sever Moyle's connection with the Society immediately. It was done. Brethren will address their communications concerning their legal difficulties: WATCHTOWER BIBLE AND TRACT SOCIETY, Legal Desk, 117 Adams St., Brooklyn, N. Y.

**Plaintiff's Exhibit 7**

STATEMENT

The September 1st Watch Tower contains a notice stating that my connections with the Society were severed because of infaithfulness to the Kingdom interests and to the brethren. This statement does not conform to the facts. The facts are as follows:

On July 21st I gave Brother Rutherford thirty days notice in writing of my resignation as the Society's counselor. This resignation was given as an emphatic protest against certain conditions which had arisen at Bethel. I had no personal grievance against the Society's president but I protested strongly against some of his actions such as ill treatment of the Bethel family; scolding and lambasting them at the dinner table; discriminating against them in the matter of comfort and conveniences; undue exaltation of the use of alcohol, and the use of filthy and vulgar language.

On August 8th, immediately following vacation, prompt action was taken concerning the matter. The Board of Directors was called together and my letter of resignation read to the members thereof. The Board recommended that my connections with the Society be severed immediately. I was branded as a religionist, a member of the evil servant, and in all seriousness it was claimed that I was a Jesuit, presumably in disguise. The Moyle family was thereupon given half a day to pack up its goods and get out. Since leaving Bethel other stories have mysteriously come to the front, to the effect that I betrayed the brethren in the courts and that I instructed brethren in Massachusetts that it would be all right to send their children to a military school. These claims and stories are



*Plaintiff's Exhibit 7*

false and apparently made with an ulterior purpose.

I have never been disloyal to the Society or the interests of the Kingdom. My position was stated in a letter to Brother Rutherford a couple of weeks ago. I quote from that letter as follows:

> "The facts indicate that you and Woodworth have the idea that I have left the Society and intend to embark upon a campaign against it. This is most emphatically not the case. I am loyally supporting the Society in this area and expect to continue to do so regardless of the attitude of the Society towards us. Neither am I waging any personal warfare against you. I have never questioned or denied that the Lord is using you as his earthly director of Kingdom work. But your position does not give you immunity from protest against wrongful action. I protested to you personally and privately because of your abuse and discrimination against your fellow servants at Bethel. It was not a personal grievance, but was made solely in the interests of the family and the organization against your personal acts."

We, the Moyle family, are now a part of the Milwaukee company of Jehovah's witnesses and our great desire is to engage whole heartedly with you in the advancement of the Kingdom interests. It would be regrettable if any of the company received the impression that we were in any way unfaithful or disloyal. Therefore this brief statement is made so that you may have a clear understanding of the situation.

Dated September 6, 1939.

(Signed) OLIN R. MOYLE



**Plaintiff's Exhibit 8**

**(Excerpts from periodical entitled "Informant" of January, 1938)**

INFORMANT

January, 1938 Brooklyn, N. Y.

30,000 PUBLISHERS FOR "HIS WORK" WILL YOU BE ONE OF THEM?

*February* 5-13, 1938

*Enemies and Riches to Be Offered on a Contribution of* 50c

*"Watchtower" and "Consolation"*

Other very important provisions that Jehovah has made for the people at the present time are *The Watchtower* and *Consolation*. These should be consistently made available for every person of good will. Sometimes the publisher, when he places a book or combination of books or booklets, overlooks to mention these two very important publications. This should not be; and in order to be continually reminded of the fact that you have them, you should carry them in your case each time you go out in the service. Tell the people about them. Show them the need of having these publications coming to their homes every two weeks.

*Phonograph Setups*

The phonograph work is expanding and it is giving a tremendous witness throughout the country and throughout the world. However, some of the brethren are so anxious to get phonograph setups that a few of them are carry-



*Plaintiff's Exhibit 8*

ing this work to an unreasonable extreme and in some cases making themselves almost ridiculous. This work should also be conducted with the proper dignity.

A setup is where one or more persons listen to a sound recording where they can give attention to what is being sold and ask any questions they may have. When one sets up his sound machine in a hallway and puts on the recording as soon as the door is opened whether the people want to hear it or not, this is not presenting the message in a reasonable and effective manner. In many cases the door is slammed shut and the people consider the witness as some kind of nut or a fanatic. The other people on that particular floor of the apartment house will not even answer at the door; so, instead of contributing to the witness, such arrangements have the opposite effect. There may be occasions when it is necessary to put on the witness in the hall. For illustration: If a lady is in the apartment and she is fearful of letting in strangers but is willing to listen at the door, and she agrees to listen, it may be advisable to put on a record in the hallway. Let each one use the spirit of a sound mind, and not do foolish things simply to get a high percentage of setups.

Another example of an ineffective phonograph setup is this: A publisher rings a bell for upstairs, and the party puts his head out of the window one or two flights up and inquires what the publisher wants. Then the publisher says that he has a message of importance and asks that the party listen to it, and starts the phono-



*Plaintiff's Exhibit 8*

graph on the porch or holds it on his arm. The distance is too great for the party on the second floor to hear, and the disconcerting noises in the street interrupt it. This could not be considered a practical or effective witness with the phonograph. The neighbors looking on from across the street and next door will be inclined to think you are more or less of a fanatic, and refuse to answer the door when you call. The important thing is to have the people hear and understand the message. In order to do this we must meet them at the door, talk to them on their front porch, or in their back yard, or in their home. To appreciate a short lecture the people must be able to hear all of it.

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**(Excerpts from periodical entitled "Informant" of December, 1938)**

INFORMANT

December, 1938 Brooklyn, N. Y.

*'Be not afraid: the battle is God's,— 2 Chron.* 20:15.

"WATCHTOWER" CAMPAIGN FOUR MONTHS LONG NEW PEAK IN PUBLISHERS SHOULD SURPASS 35,000

*English-speaking Countries to Receive More than* 12,000,000 *"Face the Facts"*

*Everything in Readiness for Tremendous Advance*

*The Multitude Must Hear*

*Offer*

This four-month campaign is generally known as the "*Watchtower* Campaign" because the



*Plaintiff's Exhibit 8*

most important magazine ever printed will be featured. The special offer consists of a year's subscription for *The Watchtower*, a copy of *Enemies, Riches* or any other bound book published by the Society, and the booklet *Face the Facts*, all on a contribution of one dollar.

*The Watchtower* is the means used by Jehovah to feed the lovers of righteousness, and we must see that they get this magazine. To those who cannot subscribe for a year, offer a six-month subscription on a contribution of 50c, with a copy of *Face the Facts* free, but not a bound book. Those who want just a bound book should be offered *Enemies, Riches* or some other recent book, along with *Face the Facts*, on a contribution of 25c. Persons who decline to subscribe for *The Watchtower* or to take the book should by all means get a copy of *Face the Facts*.

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*The World-wide Quota*

The quota for this campaign has been set at 100,000 *Watchtower* subscriptions, one million bound books and twelve million *Face the Facts*. That means that every month at least three million booklets and 250,000 bound books must be placed, and 25,000 subscriptions for *The Watchtower* obtained. If each publisher strives to make the individual quota set out elsewhere in the *Informant* the world-wide quota will be reached without difficulty. It isn't high. If we place the Kingdom above everything else, put in the hours in door-to-door witnessing, in back-call work, and talk the Kingdom every hour of

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the day possible, this quota of twelve million booklets, one million books and 100,000 subscriptions will be easily reached. Anyway, they need the *Watchtower* magazine. They should study it, and if they do they will soon become a part of the Lord's organization. This is a *Watchtower* campaign. We must talk *Watchtower*. We must use this record "Instruction" to obtain *Watchtower* subscriptions. Therefore the phonograph is going to be a great aid in this campaign in reaching our quota.

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HAVE YOU BEGUN TO "TURN ON THE HEAT"?
NO TIME TO LOSE

*Keep New Records Busy*

*"Miracles" Will Help Your Back Calls*

*Coupons*

The coupons which we can redeem with the Premium Department in Jersey City are as follows: Octagon Soap Products; Kirkman Soap Products; Health Club Baking Powder; Ballard's Obelisk Flour, and Luzianne Coffee and Tea.

We suggest that each company prepare a "thermometer" chart like the illustration shown here, so that the publishers can see at a glance what progress is being made week by week. You will have one "thermometer" for booklets, another for books, and a third for subscriptions.

Herewith we publish a list of *The Watchtower* in foreign languages:

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| Language | | Published Per year | 5 copies to one address Per year |
|---|---|---|---|
| English | SM | $1.00 | $3.00 |
| Bohemian | M | $1.50 | $5.50 |
| Dan.-Nor. | SM | $1.50 | $5.50 |
| Finnish | SM | $1.50 | $5.50 |
| French | SM | $1.50 | $5.50 |
| German | SM | $1.00 | $3.00 |
| Greek | SM | $1.00 | $3.00 |
| Hollandish | M | $2.00 | $8.00 |
| Hungarian | M | $1.00 | $3.00 |
| Italian | M | $1.00 | $3.00 |
| Polish | SM | $1.00 | $3.00 |
| Portuguese | M | $1.50 | $5.50 |
| Russian | M | $1.00 | $3.00 |
| Slovak | M | $1.00 | $3.00 |
| Spanish | M | $1.00 | $3.00 |
| Swedish | SM | $1.50 | $5.50 |
| Ukrainian | M | $1.00 | $3.00 |

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*New Publications*

Since the printing of the March 1 cost list, the following items have come into stock:

English: *Warning, Face the Facts.*
Afrikaans: *Safety.*
Bohemian: *Safety, His Works.*
Chinese: *Safety, Uncovered.*
Chiwemba: *Good News.*
Cinyanja: *Uncovered, Choosing, Good News, Favored People, Hereafter, Health and Life, Liberty, What You Need.*

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Danish: *Enemies, Uncovered, Armageddon.*
Estonian: *Home and Happiness.*
Finnish: *Enemies, Warning.*
French: *Preparation, Jehovah, Warning, His Vengeance, His Works, Favored People, Safety.*
German: *Enemies, Warning, His Works, His Vengeance, Favorite People, Safety.*
Greek: *Safety.*
Hollandish: *Enemies, Warning, Home and Happiness.*
Hungarian: *Armageddon, His Works, His Vengeance.*
Italian: *Safety, Enemies.*
Japanese: *What Is Truth?*
Norwegian: *Enemies, Warning, His Works, Favored People, Keys of Heaven, What You Need, Safety.*
Polish: *Armageddon, Safety, Uncovered, His Works, Beyond the Grave, Keys of Heaven, What You Need, Cause of Death, Home and Happiness.*
Portuguese: *Cure, Armageddon.*
Russian: *Protection.*
Serbian: *Cure, Armageddon, Beyond the Grave.*
Sesuto: *Protection, Choosing.*
Slovak: *Cure, Protection, Choosing, Safety, What You Need, Cause of Death.*
Slovenian: *Harp, Creation, Cure, Armageddon, Where Are the Dead? Righteous Ruler.*
Spanish: *Warning.*
Swedish: *Enemies, Warning, Safety, Beyond the Grave, Cause of Death, His Works, Favored People.*
Tagalog: *Protection, Beyond the Grave, Righteous Ruler, Armageddon.*

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Yoruba: *Safety, Armageddon.*
Xosa: *Safety.*
Zulu: *Choosing.*

WHEN ORDERING LITERATURE PLEASE PUT ON THE ORDER BLANK THE QUANTITY DESIRED IN FRONT OF THE NAME OF THE ITEM, NOT AFTER.

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**(Excerpts from periodical entitled "Informant" of January, 1939)**

INFORMANT

January, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

THRILLING "WATCHTOWER" CAMPAIGN BEGINS!

THIS CAMPAIGN IS THE MOST IMPORTANT EVER

ARE YOU PREPARED TO DO YOUR SHARE?

This campaign is going to result in bringing the *Watchtower* magazine regularly into the homes of at least 100,000 more families, which magazine stresses the great issue of serving Jehovah, the great Theocrat, and live, or serving the cruel dictator Satan and his wicked organization, and die.

*Offer the Entire Combination*

The Special Combination to be stressed at each call, if possible, is a year's subscription for *The Watchtower*, the book *Enemies* (or any other bound book), and the booklet *Face the Facts*, all on a contribution of one dollar.

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*Use New Record "Miracles", "Instruction"*

*Face the Facts in Foreign Languages*

*Face the Facts* can be ordered and will be shipped immediately in any of the languages listed below:

| | |
|---|---|
| Bohemian | Norwegian |
| Finnish | Portuguese |
| German | Spanish |
| Greek | Swedish |
| Italian | Ukrainian |

As announced by its new title, *The Watchtower* is truly a "herald of Christ's kingdom", and those who would enjoy the benefits under that kingdom must now inform themselves of the message which Jehovah provides for the people of good will through the columns of *The Watchtower*.

*Coupons*

Bundles should be sent insured instead of registered. Borden coupons are not redeemable for cash and should not be included in packets sent us. Send a post card stating number, kind and value of coupons being sent. Do not inclose this in packages.

500 *More Pioneers Needed*

*Can You Arrange for Full Time?*

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**(Excerpts from periodical entitled "Informant" of May, 1939)**

INFORMANT

May, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

"WATCHTOWER" CAMPAIGN TO BE EXTENDED THROUGH MAY

ANOTHER MONTH TO "TURN ON THE HEAT"

As this has been particularly a campaign to obtain *Watchtower* subscriptions, all are pleased to see the large number obtained.

*Don't Neglect Your Rurals*

The current issues of *The Watchtower* definitely show the Jonadabs their responsibility toward the Kingdom service; and so these should be called on and assisted.

20 COUNTRIES REPORT ON CAMPAIGN

*Splendid Increase in Publishers*

*"Watchtower" Subscriptions High*

Set out below is the tabulation of some countries' reports for two months and of other countries' reports for only one month.

*Plaintiff's Exhibit 8*

| January and February | Books | Booklets | Subs. | Publishers |
|---|---|---|---|---|
| United States | 232,651 | 2,137,487 | 51,479 | 34,123 |
| British Isles | 39,658 | 1,087,858 | 3,858 | 6,027 |
| Canada | 12,845 | 185,438 | 2,665 | 3,729 |
| Northern Europe | 15,105 | 576,242 | 8,095 | 3,403 |
| Mexico | 7,297 | 76,857 | 681 | 427 |
| Japan | 1,045 | 82,169 | 349 | 107 |
| Australasia (January only) | 7,919 | 77,281 | 764 | 1,656 |
| Thirteen countries (One-month report) | 7,679 | 73,636 | 517 | 3,586 |
| Total | 324,199 | 4,290,968 | 68,408 | 53,058 |

It is a real joy to consider the table set out on the report of the *Watchtower* Campaign; for it shows zeal and determination on the part of the publishers for the Kingdom to get the message into the hands of the people of good will.

We have entered into the last month of the campaign, April, but because the *Watchtower magazine* is going so well and is so greatly appreciated by the public the campaign is being extended for one month.

NEW YORK CITY CENTER ACTIVITY FOR JUNE
BROTHER RUTHERFORD TO SPEAK IN MADISON SQUARE GARDEN

*Expect 8,000 Publishers First Two Days of Convention*

*Many More Sunday*

*Convention to Do Extensive Advertising*

*Advertising*



*Plaintiff's Exhibit 8*

For weeks prior to the convention the publishers in New York City will be advertising by handbills, "sandwich signs" parades, silk screen signs, electric signs, and many other means whereby they can make known the big public meeting to be addressed by Brother Rutherford and held at the Madison Square Garden.

For book *Riches*: Bohemian, Chinese, Danish, French, German, Hungarian, Italian, Polish, Portuguese, Spanish, Swedish, and Ukrainian.

For three booklets: Armenian, Chinese, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Spanish, Ukrainian, and Yiddish.

Let each one of us first strive to reach our quota on books, booklets and *Watchtower* subscriptions by the end of April.

The message contained in *Fascism or Freedom*, the new publication added to our campaign, contains very essential information for the people of good will. They must be informed about the Theocracy and see their responsibility toward the Kingdom. The great responsibility rests upon us to see that this new booklet, along with the other literature of the campaign, is properly distributed and made available for all people of good will.

Let's turn on the heat with greater activity and watch the thermometers rise.



*Plaintiff's Exhibit 8*

(Excerpts from periodical entitled "Informant" of June, 1939)

INFORMANT

June, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

As this *Informant* goes to press arrangements have been made to tie in 21 cities to the network convention: 10 in the United States, 10 in the British Isles, and Honolulu, Hawaii.

IT CAN BE DONE

*3½ Million Pieces of Literature Placed in June*

The *Watchtower* Campaign is over. The results of the Lord's blessing upon the campaign from beginning to end has thrilled the hearts of the Lord's consecrated people everywhere.

Well over 100,000 new subscribers for *The Watchtower*. Millions who have read the *Face the Facts* and *Fascism or Freedom* booklets are excellent prospects for the special seven-booklet offer in June.

THE FOUR-MONTH CAMPAIGN IN UNITED STATES

*A Mighty Witness Was Given*

We are submitting in this *Informant* a summary of the activity in the United States alone for the four-month campaign, for your careful consideration. There are some points that show up very favorably; others that do not show up as well as we had anticipated.



*Plaintiff's Exhibit 8*

| | |
|---|---|
| Books | 425,719 |
| Booklets | 5,[illegible],013 |
| Total literature | 5,663,772 |
| Peak of publishers | 39,825 |
| Hours | 2,931,631 |
| New subscriptions | 93,111 |
| Attendance | 4,38[illegible]18 |
| Back-calls | 519,373 |

*New Watchtower Subscriptions to date, world-wide*

| | |
|---|---|
| Reported May 29 by Brooklyn Office | 113,864 |
| Berne Office | 2,490 |
| No. European Office | 3,663 |
| Total to date | 120,017 |

—Don't Forget Subscriptions—

If arrests occur, the issues should be contested in court along lines stated in the "Order of Trial"

Orders for these bookmarks can be placed immediately. The Society will furnish them at the following rates:

In lots of 1,000 or more, $2.00 per thousand;
500 bookmarks, $1.25;
250 bookmarks, $.75.



*Plaintiff's Exhibit 8*

**(Excerpts from periodical entitled "Informant" of July, 1939)**

INFORMANT

July, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

Now let's prove to them that we mean business.

"SALVATION," "A TEXT-BOOK FOR THE JONADABS"

*To Be offered on Contribution of 25c*
*40,000 Publishers in the United States*

The brethren at the factory have been working day and night to get out sufficient of *Salvation*, and as this *Informant* goes to press over 400,000 copies have already been printed.

*Study the "Order of Trial"*

It is apparent from the correspondence that comes to Brooklyn that many publishers have not studied their *Order of Trial*. It is especially noticeable with reference to Section Three. That section tells what to do in the case of assault and riot, but the publishers write in daily reporting such assaults and riots and wind up with "What shall we do next?"

This form of *religious action* is increasing in various parts of the country, and it therefore appears necessary to restate the course of action for publishers to follow. Hence, READ, STUDY and PRESERVE the following:

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*Plaintiff's Exhibit 8*

1. Study your *Order of Trial*. This applies to the publisher individually and to the company as a group. Study it by yourself and in your company gatherings. In your study pay particular attention to Section Three and determine in advance what course of action to take when assaulted or mobbed.

2. As part of your study, ascertain in advance how to secure a warrant for the arrest of a person who has unlawfully interfered with your Kingdom activity. Delegate a member of the company to investigate this subject and report clearly to the company the exact steps required and the place to go to secure a warrant.

3. Self-defense is justifiable under the laws of man and the laws of God. Don't let any Papal subject or other religionist maul you in the dirt or beat you up without such resistance as you are able to give.

4. Prepare for trial. If you are assaulted and unlawfully beaten or struck by one or more persons, get the name and address of each of such persons; also get the name and address of each one who witnessed the affair. Talk with these witnesses and have each one write out a statement (or you write it out for him) as to what happened, and let each witness sign his or her name to it. Keep these statements for your own use. If necessary to furnish the facts in such statements to the prosecutor or other official, furnish him with a copy, but you keep the originals. Send a copy of each statement to Brooklyn, marked "Legal Desk".

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5. Get a warrant for the arrest of each of the lawbreakers. The place to get the warrant is determined by your local conditions. It may be from a justice of the peace, from the police court, or from a municipal court, or it may be necessary for you to see the district attorney, or the city or county prosecutor. As suggested above, find out in advance the exact procedure. Inform each publisher.

6. Sue them for damages. If you are seriously injured or property is destroyed as a result of such assault, follow up the criminal proceeding with a civil action for damages.

7. Publicity. Evil-doers hate publicity. They prefer to work in the dark. It is our privilege and duty to drag their evil deeds out into the open where all may see and consider. Therefore, when an aggravated assault or mob action takes place, give the matter as much prompt publicity as possible. Let the world know all about it, especially if the Hierarchy or its allied organizations are mixed up in the affair. Write out the facts clearly in narrative form, making several copies, and then turn such over to the editor of each local newspaper. Value of such publicity hinges largely upon accuracy of the points embodied in the published story; hence the need for preparing promptly and carefully that which is released to the press.

8. Send full reports. Report these events as quickly as they occur. In reporting, give complete name and address of each participant, as far as possible. When you have interviewed

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officials, such as a chief of police, sheriff, or judge, give the name and address of each of such likewise. With such information at hand Society's counsel may then be in position to render special co-operation and assistance.

KEEP these instructions. Study them. Be prepared. When a modern-day Philistine hits you with a brick, don't write and ask "What shall I do?" Go ahead and do it. Report fully.

*Have Your Considered Pioneer Service?*

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**(Excerpts from periodical entitled "Informant" of August, 1939)**

INFORMANT

August, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

The book will be offered to the people on a contribution of 25c. Always be prepared to offer a combination of booklets when they do not take *Salvation*. A bookmark should be left with each one taking *Salvation* (and, for that matter, any other bound book), and each individual should be briefly encouraged to come to the study at your Kingdom hall.

*—Don't Forget Subscriptions—*

*Extra Copies of "Kingdom News"*

If the company desires to have some extra copies of *Kingdom News* for their own use or for distribution to the people of good will, these

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*Plaintiff's Exhibit 8*

can be ordered from the Society—1,000 copies on a contribution of $1.00.

By using this order blank and sending it to the Brooklyn office before October 1 you will be able to take advantage of the special rate the Society is making of 50c a disc.

Always take plenty of *Salvation* along with you. Don't get caught "running out".

August is a bound-book month. If *Salvation* runs out, use *Enemies* or *Riches* or any other bound book. Keep pushing the campaign with bound books. Send in your order and it will be filled as soon as possible.

Use this order blank for the convenience of the office. It need not be mailed in before August 7, and by that time you will be able to determine how many more *Salvation* you will require, your needs for Bookmarks, Electric Flasher signs and any other material you need to advance the Kingdom interests.

*Advertise Salvation by Electric Flasher Sign*

The Society has prepared three very attractive inserts for Electric Flasher signs for advertising the new book *Salvation*. The inserts are to be changed periodically, so as to create the greatest amount of interest. The company servant should promptly arrange to order a set of inserts for each Electric Flasher sign used in the company territory. The cost of a set of three inserts is 10c; 3 sets 25c; 10 sets, 60c; more than 10 sets to one address, 6c per set of three inserts.

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We still have a limited supply of Electric Flasher signs in stock. In order to place them in the field, the special offer of two of these signs for 50c still holds true. Order and use these signs for advertising *Salvation*, local public meetings, *Watchtower* studies, etc.

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**(Excerpts from periodical entitled "Informant" of September, 1939)**

INFORMANT

September, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

ALMOST MADE IT
39,771 *Publishers New Peak*

Every regional, zone, and company servant should in every manner assist the publishers to get into the field and should aid them in making 60 hours a month.

The average number of publishers in the field for the last 10 months has been 34,630. This is nearly 9,000 more publishers in the field per month than last year.

Saturday, October 1, will see your desire fulfilled. *Government and Peace* will then be offered with *Salvation* on a contribution of 25c. Where the 25c combination cannot be placed, *Government and Peace* with two other booklets should be offered on a 10c contribution; and where they are unable to contribute this amount but are interested and wish to read, the booklet

*Plaintiff's Exhibit 8*

*Government and Peace* should be left on any contribution they are able to offer; and if they are unable to contribute anything, leave the booklet with them free. This important booklet should be in every home in the territory.

Whether this year will result in more literature being placed than in 1938 depends much on the whole-hearted enthusiasm and the time devoted to the house-to-house field service by ALL the brethren during September. Let's go ahead and do it!

The offer during September has been increased to include *Salvation* and three booklets on a contribution of 35c. This should result not only in a large number of *Salvation* books placed, but also in many more booklets distributed.

*Salvation* has broken all records. We have printed over a million copies already, and now find it necessary to work nights also to meet the demand.

TEN MONTHS' COMPARISON

OCTOBER, 1938, TO JULY, 1939

| | 1939 | 1938 | Difference | |
|---|---|---|---|---|
| Books | 1,173,689 | 1,595,947 | 422,258 | Decrease |
| Booklets | 12,037,279 | 11,667,479 | 369,800 | Increase |
| Total Literature | 13,210,968 | 13,263,426 | 52,458 | Decrease |
| Publishers (Average) | 34,630 | 25,745 | 8,885 | Increase |
| Hours | 7,378,673 | 5,181,599 | 2,197,074 | Increase |
| New Subscriptions | 127,899 | 89,961 | 37,938 | Increase |
| Sound Attendance | 10,981,752 | 11,151,677 | 169,925 | Decrease |
| Back Calls | 1,077,361 | 220,211 | 857,150 | Increase |

*This figure covers only the special "Consolation" subscription campaign of April, May and June, 1938.



*Plaintiff's Exhibit 8*

**(Excerpts from periodical entitled "Informant" of October, 1939)**

INFORMANT

October, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

*Salvation* and *Government and Peace*, which will be offered to the people during the month of October on a contribution of 25c.

"GOVERNMENT AND PEACE" BEGINS A NEW YEAR

The Society is printing ten million copies of it. It is the publishers' job to take it and place it with the people.

*Hours in the Field*—1939

| | | |
|---|---|---|
| Aug. | 39,453 | 17.6 |

*Leave Something in Every Home*

Now, more than ever before, it is vitally necessary to leave something with each person who is at all kindly disposed to the Kingdom message, even though that may be but the *Salvation* or public meeting folder. Reports coming in to the office show that much good results from such advertising, and all companies and publishers should fully equip themselves with all these forms of advertising and daily put them to use in the field. The folders can be had at 40c a thousand; $1.25 for 500; $.75 for 250. Not less than 250 bookmarks can be ordered.



*Plaintiff's Exhibit 8*

Day and night we should be advertising the new book *Salvation*, local public meetings, *Watchtower* studies, etc. The Electric Flasher signs are a great permanent aid in this connection, and each company should avail itself of this medium of advertising. Order and use these signs daily. You can still get two of these signs for only 50c, and included in this special offer are three inserts for advertising *Salvation*, and inserts for *Riches*.

You can advertise your local meetings by means of the Flasher signs.

WORLD-WIDE "WATCHTOWER" CAMPAIGN REPORT

67,229 *Publishers in the Field Work More than* 5,000,000 *Hours*

121,073 new *Watchtower* subscriptions were obtained, surpassing our quota.

When we consider that over 5,000,000 hours were spent in witnessing, we know for a certainty that many people heard of the Kingdom and undoubtedly are now receiving a rich blessing from the reading of *The Watchtower*, the *Enemies* book, *Face the Facts* and *Fascism or Freedom*.

It is a real pleasure to set out the *Watchtower* Campaign of 1939 with a similar world-wide campaign of last year:



*Plaintiff's Exhibit 8*

| | "W.T." Camp. 1939 | "Cure" Camp. 1938 |
|---|---|---|
| Books | 695,914 | 773,264 |
| Booklets | 11,186,803 | 11,743,603 |
| Total Lit. | 11,882,717 | 12,516,867 |
| Pioneers | 3,911 | 3,464 |
| Auxiliaries | | 1,348 |
| Company Pubs. | 63,318 | 53,286 |
| Total Pubs. | 67,229 | 58,098 |
| Hours | 5,158,791 | 3,341,308 |
| New Subs. | 121,073 | 108,253 |
| Sound Attend. | 6,204,210 | 5,273,447 |
| Back-Calls | 744,563 | 184,156 |
| Memorial— | | |
| Attendance | 79,558 | 68,133 |
| Partakers | 31,426 | 38,798 |

*Crusade Against Christianity in Polish*

The paper-bound edition will be 50c.

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**(Excerpts from periodical entitled "Informant" of November, 1939)**

INFORMANT

November, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

Where the people are unable to accept the three booklets on a 10c contribution, drop to *Government and Peace* and *Kingdom News* on



*Plaintiff's Exhibit 8*

a 5c contribution, or any contribution they are able to make, even one cent; and if they are interested and want to read but are unable to contribute, leave *Government and Peace* and *Kingdom News* with them on their assurance that they will read them.

The object of this campaign is to cover as much territory as possible with this very important message during the month of December. Therefore a thorough organization, speed and effectiveness are necessary.

When the publisher is able to play the "Snare and Racket" record, then, of course, *Salvation* and *Enemies* should also be offered in addition to the foregoing combination, on a contribution of 60c or 35c, depending upon whether they wish to take both or one of the bound books.

*New Publications*

The following publications have come into stock since the printing of the May 1 Cost List:

English: *Salvation, Government and Peace.*
Ibo: *Uncovered.*
Italian: *Fascism or Freedom.*
Pampango: *Protection.*
Polish: *Fascism or Freedom,*
Rumanian: *Face the Facts.*
Spanish: *Fascism or Freedom, Model Study* (now out of stock).

Don't Forget Subscriptions

The high points of the report for the United States (including pioneers) are increases over the previous year of almost 10,000 publishers,

*Plaintiff's Exhibit 8*

half a million pieces of literature, three million hours, one million back-calls, and 60,000 subscriptions. The increase in publishers would have been still greater had the publishers been more regular in the service.

However, all orders for phonographs and records should be accompanied by a reasonable down payment unless your account has a credit balance to cover the cost of the equipment.

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**(Excerpts from periodical entitled "Informant" of December, 1939)**

INFORMANT

December, 1939 Brooklyn, N. Y.

*"But they shall not prevail against thee."—Jer. 1:19.*

No home in which there are publishers for The Theocracy should be without the *Yearbook*. Order it now through the company servant. The 50c contribution for each copy covers the cost of this edition. The *Yearbook* and Calendars will be ready for shipment about the 15th of December.

JANUARY BOUND-BOOK MONTH
ARE YOU READY? HAVE YOU SUPPLIES?
*Most Unusual!*
3 *Bound Books on a* 35c *Contribution*

We are obligated before the Lord to raise up a standard for the people, and, at the contribu-



*Plaintiff's Exhibit 8*

tion on which this combination is offered, the Lord has made it possible for practically everyone to obtain at least one combination. Let us, therefore, by the Lord's grace, accept this grave responsibility which Jehovah has placed upon us and go forward with zeal and thanksgiving carrying this life-giving food to a perishing world during this campaign.

*The Offer*

All of the Society's bound books from *The Harp of God* to *Jehovah* may be offered during this period, 3 on a contribution of 35c, 6 on 70c contribution, 12 on $1.40 contribution, etc. Foreign-language books are also to be used in this campaign; any 3 to be offered on a contribution of 40c, 6 on 80c contribution, etc. Note that *Riches, Enemies* and *Salvation* are not to be included in this combination offer.

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**(Excerpts from periodical entitled "Informant" of March, 1940)**

INFORMANT

March, 1940 Brooklyn, N. Y.

*"My heart shall rejoice in thy salvation."—Ps. 13:5.*

THE "BATTLE SIEGE" BEGINS WORLD-WIDE CAMPAIGN

"THE WATCHTOWER" FEATURED FOR THREE MONTHS

It is possible for us to increase the distribu-



*Plaintiff's Exhibit 8*

tion of *The Watchtower* and *Consolation* to at least 500,000 copies of each issue. But, to do this, it will mean that each publisher will have to be continually on the alert to develop the magazine route in his individual territory and, as opportunity affords, get out on the street corners in the busy sections of the town whenever he can, and especially on Saturday afternoons and evenings.

This wide distribution of the magazines will open the way toward getting in direct touch with the people of good will who have their permanent addresses in hotels and private or exclusive apartments, which residents up to the present time have been practically inaccessible to the publishers.

As this siege is carried on against the Devil's organization, thousands of people of good will will read of the truth and leave the prison-house of the Devil and come into the "cities of refuge". What a glorious privilege is ours during this world-wide testimony period! What a privilege is ours here in America, where we still have the freedom to go forth advertising THE THEOCRACY! This campaign, beginning with the Memorial, should be the greatest of all testimony periods to bring to the people the greatest offer, the message of *The Watchtower*, a bound book, and the new booklet *Refugees*.



**Plaintiff's Exhibit 9**

This exhibit is a photograph of Bethel.

Not reproduced pursuant to stipulation on pages 1988-1989 of this record.

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**Plaintiff's Exhibit 10-A**

January 1, 1939 THE WATCHTOWER

"WATCHTOWER" CAMPAIGN

Four full months of 1939, January to April inclusive, have been set aside for the biggest, if not most important, yet of the campaigns to publish Jehovah's kingdom. It is designated the "Watchtower" campaign because of the special offer made, agreeable to arrangements of the Society, to wit, a full year's subscription for the magazine *The Watchtower* together with the book *Enemies* or any other one desired of the bound book series and a copy of the new booklet *Face the Facts*, on a contribution of but $1.00. This will be the offer in every language in which *The Watchtower* appears; hence this four-month campaign will be both international and world-wide. Every reader of *The Watchtower* who appreciates its real value and the dire need of all people of good will today for its spiritual food will without urging desire to take part in this campaign. If not already in touch with the Society's service organization, write this office and make arrangements for the campaign. A monthly report in the regular way will be expected of each publisher. Consult the *Informant* for all details hereon.



**Plaintiff's Exhibit 10-B**

January 1, 1939 THE WATCHTOWER

"WATCHTOWER" SAMPLE COPIES

"The usefulness of extra copies of back numbers of *The Watchtower* as part of each publisher's regular equipment is emphasized in a publisher's experience here narrated. It serves to show the need to be always alert to display a sample copy to any person that exhibits sincere interest, even at the publisher's first call upon such person.

"A lady of the house courteously refused to take the booklet *Warning*, pleading she was not in position to offer any contribution. Holding out the booklet to her, the publisher quickly rejoined that since she had greatly enjoyed reading some of the other booklets it was important for her to have this timely information and she could share in the work by making a small contribution voluntarily. At once she took the booklet, remarking as she started away: 'Oh, I can certainly give a dime.' She did. Then the publisher presented another booklet, saying: 'One of your relatives or good friends will greatly appreciate receiving this information, and here's an extra copy of the same booklet that you can use in that way.' She gladly accepted it. Then, alert to the opportunity, the publisher followed up with a 'By the way, have you heard the latest record?' Thereupon she welcomed him onto her porch to play the recording 'Relief'. At its end she said: 'I certainly want to hear the Resolution also.' That played, and just before proceeding to pack up, the publisher handed her a sample *Watchtower*, remarking: 'This sample copy of *The Watchtower* you



*Plaintiff's Exhibit 10-B*

will also enjoy. It comes to you by mail, twice each month, and the subscription is only a dollar a year.' As he was packing up his phonograph and records she hastily glanced through the journal and said: 'Maybe I'll send in a subscription sometime, or perhaps you will take it now?' 'Yes, your subscription can be entered right now,' said he, and took out his pad of *Watchtower* subscription blanks and began filling in the house number and name of street while she was inside procuring the dollar."

According to this publisher's observation, the particular piece of literature, whether book, booklet or magazine, actually produced by him and turned over to the householder's hand is an essential aid to such to clearly understand what the publisher then tries to describe verbally.

**Plaintiff's Exhibit 11 for Identification**

This exhibit is a letter from Olin R. Moyle to J. F. Rutherford, dated July 3, 1937.

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**Plaintiff's Exhibit 12**

This exhibit is a photograph of the printing plant of the Watch Tower Bible & Tract Society at Adams Street, Brooklyn.

Not reproduced pursuant to stipulation on pages 1988-1989 of this record.

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**Plaintiff's Exhibit 13**

This exhibit is a letter from the Watchtower Bible & Tract Society, Inc., of Brooklyn to Olin R. Moyle, dated November 20, 1939.

Not printed pursuant to stipulation on pages 1988-1989 of this record.



**Plaintiff's Exhibit 14**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

Nov. 24, 1939

W. E. Van Amburgh,
124 Columbia Heights,
Brooklyn, N. Y.

Dear Brother Van Amburgh:

I have just received a letter from A. R. Goux, as assistant secretary, informing me that at the annual meeting of the Watchtower Bible & Tract Society, Inc., a motion will be introduced asking for the removal of my name as a member of the corporation for the reason that I have assumed a position in opposition to the Society's policy.

I expect to deny this charge and furnish evidence in support of the denial. As a matter of fairness I should be informed before hand just what acts I have done which are alleged to be in opposition to the Society's policy, and I therefore ask that you furnish me with a bill of particulars giving that information.

Yours in Kingdom service,

OLIN R. MOYLE.



**Plaintiff's Exhibit 15**

En route,
August 10, 1939

Judge J. F. Rutherford
124 Columbia Heights,
Brooklyn, N. Y.

Bro. Rutherford:

Re: *Irvington* vs. *Clara Schneider.*

On Tuesday you instructed Goux to write counsel in the various cases regarding adjournments. Permit me to bring to your attention the urgent need for different action in the above entitled case.

This case is before the U. S. Supreme Court and is one of the first cases on the list for the coming October Term. Adjournments are not easily secured in that court, and the chances are that you will not have the cooperation of Irvington counsel in securing the same. Briefs should be printed and filed and served and the case argued when called.

Over four weeks ago I turned over to Goux the brief for typing. On Tuesday the job was still unfinished. The time for filing and serving the brief is close at hand and it is vitally important that such work be done. You are welcome to use all or any portion of my brief that you desire, eliminating my name and having it signed by some member of the Supreme Court bar. Whether you use this brief is immaterial to me, but the point is that action should be taken at once so that there will be no default. The case is vitally important to the interests of the Kingdom work throughout the



*Plaintiff's Exhibit 16*

nation and I therefore hope that the matter will be taken care of correctly and efficiently.

I remain

Still for the Kingdom,

(Signed) OLIN R. MOYLE

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**Plaintiff's Exhibit 16**

July 1, 1940 — THE WATCHTOWER

THE CHANNEL THE LORD IS USING

Dear Brother Rutherford and All the Bethel Family:

Having read the article "Information" in the October 15 issue of *The Watchtower*, we wish to express our disapproval of the things done by O. R. Moyle against the family at Bethel.

We do not know the contents of the letter written by Mr. Moyle, nor do we care to know. It is enough for us that our great God, JEHOVAH, is pleased to use you all in his service, and is showering you with blessings.

We believe that the Society is the channel the Lord is using to carry on his Kingdom interests in earth at this time, and that our brethren at Bethel are being spent in that service.

We never listen to accusations against Brother Rutherford or any faithful servant of God who is performing his given service in the Theocratic Government; for to do so would be disobedient and dangerous to ourselves. All of the faithful, having been warned, would do well to be on their guard against the wiles of those "wild waves of



*Plaintiff's Exhibit 16*

the sea, . . . for whom the blackness of darkness hath been reserved for ever". (Jude 13, *A.R.V.*) These do not discern the body, but, as Jude says, 'show respect of persons for the sake of advantage.'—Jude 16.

Owing to force of circumstances while I am still 'tent-making' we are seldom where there is a company of servants. We know that the faithful all over the earth will hasten to stand openly on the side of our brethren at Bethel, and against all wicked accusers. We, also, wish to be found fighting shoulder to shoulder with our brethren, and to let it be known that, by Jehovah's grace, we shall ever be found standing for Jehovah God, his King Christ Jesus, the Kingdom, and all who faithfully serve that kingdom.

With much love, we remain,

Your brethern and fellow locusts,

GRANVILLE E. FISKE,
GRACE FISKE, *Pioneer.*



**Plaintiff's Exhibit 17**

Feb. 1, 1940

Fred and Jessie Aebly,
Waukegan, Ill.

Dear Fred and Jessie:

Yours of the 28th received. You have entirely missed the point of my request for an explanation. If you with sublime ignorance of the situation at Bethel and the facts in the case want to decide that I have committed an offense in giving reasons to Judge Rutherford for leaving Bethel, that is your privilege and I have no argument with you over it. No human creature has yet been placed on such a high and exalted plane that one cannot call attention to such of wrongful acts, but if you want to think otherwise you of course have the right to do so.

The point of my argument is this: You with others sign a statement falsely accusing me of sending letters throughout your area. If there was any circulation in your area you are the one that did it for I did not send any copies down there other than the one I loaned to you on request. Now you attempt to justify yourself by stating I circulated it elsewhere without request. The stories of widespread circulation of this letter are exceedingly mysterious and I would like very much to know the names of those to whom I have sent it without request.

Defense of one's good name against wrongful charge is not self justification, or at least not a wrongful self justification. Its on a par with self defense of person or property which is upheld by the Scriptures. But you to justify your-

*Plaintiff's Exhibit 18*

selves have resorted to falsehood and false charges.

I can't believe that the Lord approves of such action.

Yours in Kingdom service,

OLIN R. MOYLE.

---

**Plaintiff's Exhibit 18**

7218 W. North Avenue
Wauwatosa, Wisconsin

Mr. Victor Schmidt,
Middletown, Ohio.

Dear Brother Schmidt:

I presume you have seen the September 1st Tower and read the notice alleging my unfaithfulness to the Society, etc. I'm not arguing with the Society about it but want to tell a few of my friends that "it ain't so." Just before vacation I sent Brother Rutherford a note protesting against some of his practices, particularly the table trimmings he gives the family. Immediately after vacation the Board of Directors was gathered together and the Moyle family was given half a day to pack its stuff together and get out. I am still loyal to the Society and working with the local company here in harmony with it. In view of our pleasant associations together I wanted to let you know that I haven't gone with any opposition group and do not intend to.

I hope the holy bishop's case at Columbus is



*Plaintiff's Exhibit 18*

progressing satisfactorily. Have any hearings been held on the opposition's latest moves? Of course I haven't any more connection with the case, but when you have time 'llbe glad to hear of its progress.

I am just at present marking time until some offices are fitted up for use. One of the local brethren is giving me desk room at present and soon we expect to move into some very nice commodious offices. Will probably get enough business to keep alive for a while.

Will be glad to hear from you when you get time to write.

Yours in Kingdom service,

OLIN R. MOYLE



**Plaintiff's Exhibit 19**

January 5, 1940

Mr. Victor Schmidt,
Middletown, Ohio.

Dear Brother Schmidt:

Some time in September I wrote a letter to you and did not receive an answer, so I presume you considered I was guilty of everything alleged against me by the Tower and not worthy of a letter. Except for the fact that no person likes to be misjudged by his friends, it should not make any difference to me if you do consider me a backslider. Therefore I wouldn't bother writing to you again except for the circumstances occasioning this letter. If memory serves me correctly you are a member of the WATCHTOWER BIBLE & TRACT SOCIETY, INC. (formerly the Peoples Pulpit Association). I have received notice that at the annual meeting of the corporation this coming week a motion will be introduced asking for my removal from the corporation on the alleged grounds of opposition to Society policy. I have prepared an answer to the charge for submission to the meeting, and am sending a copy to you as one of the members.

Yours in Kingdom service,

OLIN R. MOYLE

---

**Plaintiff's Exhibit 20 for Identification**

This exhibit is a pamphlet prepared by A. A. Worsley.



**Defendants' Exhibit A**

WATCH TOWER BIBLE & TRACT SOCIETY

Incorporated for the Promotion of the Interest of Jehovah's Kingdom

124 Columbia Heights, Brooklyn, N. Y., U. S. A.

Publishers for International Bible Students Association

PRESIDENT'S OFFICE

MAin 4-5421
Cable Address "Watchtower Brooklyn"

September 21, 1939.

JEHOVAH'S WITNESSES IN ZONE 1
WISCONSIN

Dear brethren:

Reports to this office are to the effect that H. H. Fink, who for some time has been acting as zone servant, has been disregarding the instructions from Brooklyn, which would disqualify him for the position of zone servant. A letter has been addressed to him to give him a chance to atate his side. In the meantime, however, he is suspended as zone servant and temporarily Brother M. A. Howlett is appointed for zone servant of that zone until definite arrangements can be made. Brother Howlett, therefore, speaks at the direction of the Society and Fink has no authority from the Society whatever to represent it at the present time, and not until the situation is cleared up and he has purged himself of the charges made against him. Unless a person is willing to carry out instructions received from headquarters he is not supporting the Theocratic Organization of Jehovah God by Christ Jesus. Everyone who really is in favor of Jehovah's organization should so manifest it in giving full



*Defendants' Exhibit B*

support to the Society's representative, Brother Howlett, who bears this note.

WATCHTOWER B. & T. SOCIETY, INC.

by J. F. RUTHERFORD
President

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**Defendants' Exhibit B**

HARVEY H. FINK & COMPANY
FOOD PRODUCTS BROKERS
WAUWATOSA, WISCONSIN
Suburb of Milwaukee

OFFICES:
WAUWATOSA ARCADE
7218 W. North Ave.
Telephone BLuemound 5855

Sept. 12, 1939.

Mr. J. F. Rutherford,
124 Columbia Heights,
Brooklyn, N. Y.

Dear Brother Rutherford,

I am writing you as zone servant for this area and as Society representative about a matter which should be of interest to you and which concerns Brother O. R. Moyle who is now in our midst. I assume that a report of this kind would be welcomed as there might be some apprehension about his activities since his being ousted from Bethel. I am reciting the facts impartially and not for the purpose of either condemning or defending him.



*Defendants' Exhibit B*

Bro. Moyle, Sr. Moyle, and Peter have been regularly attending all of the meetings in the Milwaukee Company and have been engaging wholeheartedly in the kingdom service. Up to the time the Statement came out in the recent Tower about his alleged unfaithfulness, the friends here were all under the impression that he had left voluntarily to resume practice having found life East rather strenuous. I, of course, knew that he had written a letter to you, and having known him for a good many years, asked to see a copy of it. Until recently, he refused to show me a copy, claiming that the matter was a personal matter between you and him and he felt that the less said about the whole matter the better, as it might possibly disturb some and jeopardize the Kingdom interests. Since that time, of course, I have seen the letter. Naturally I am not in position to pass upon the truth or the falsity of any of the statements contained therein and neither am I in any sense of the word interested.

However, that statement in the Tower provoked quite a bit of speculation and gossip on the part of the friends here and at the very next service meeting I as zone servant publically demanded to know of Bro. Moyle whether his association with this company meant that he was wholeheartedly in favor of the work of the Society and intended to cooperate with this company individually in all matters in which case we would be only to glad to have him do so, otherwise we wanted an explanation of the statement found in the Tower. We were all gratified to hear him publically express his full and complete conviction that the Society was the Lord's

*Defendants' Exhibit B*

instrument in the earth today, that he was fully and completely in harmony with its work, that he agreed the Tower articles were the meat in due season for the Lord's people and assured us of his and the Moyle'family's full determination to engage in the witness work. He stated that he had resigned voluntarily before being ousted and that his personal differences over some matters at Brooklyn, in no way shook his conviction that you, as president of the Society or the organization as a whole, was being used by the Lord and that he was fully willing to cooperate with it to the fullest extent to his ability.

I assured him on behalf of the company as well as myself that if those were his sentiments we would be only too glad to have him in our midst and that even if he had been wrong, which of course I cannot say dogmatically, the Lord as well as we as a company would be only too glad to let by gones be by gones.

I took particular note of the statement that he made in one of the meetings that I happened to attend. A question was asked of him relative to the natural ability of some men whom the Lord was using at the present time or has used in the past. I was very pleased to hear him say the following which I quote as near as possible: "While the Lord could possibly use any person and endow him with special gifts to do his will, it seems that he does take men of more than ordinary ability and uses such ability to the honor and praise of his name. Bro. Rutherford, for instance, is unquestionably such a man as he possesses far more than ordinary energy, depth of mind, and general ability."



*Defendants' Exhibit B*

Naturally some friends are somewhat puzzled over the statement found in the Tower and the apparent inconsistency with it in Bro. Moyle's actions. I however, think it is to his credit to take the attitude that he has rather than to engage in a campaign of hate over what may only be, in the final analysis, a misunderstanding.

Even if, however, he was dead wrong in what occurred in Brooklyn, I think it becomes our Christian duty to lend a helping hand to one who might have made a mistake but is still willing to serve the Lord, humbly and enthusiastically.

My grand dad used to say that the more one stirs in a pail of manure the worse it stinks. Under the circumstances, I think the less said about this whole thing the better, but I felt that you might be interested to know that Bro. Moyle is not out here raising a lot of HELL and poisoning the minds of the friends against the Society, its work, and even you in particular.

If the attitude we here have taken toward this matter is incorrect I wish you would let me know immediately, giving us full and complete reasons therefore, but I would personally think that we would be poor christians if we were to kick a brother in the face who is already down.

Brother Moyle does not know that I have written this letter and neither do I intend to show him a copy thereof.

Yours in the Interests of the Kingdom.

HARVEY H. FINK
Wisconsin Zone #1.

HHF:kn



**Defendants' Exhibit C**

HARVEY H. FINK & COMPANY
FOOD PRODUCTS BROKERS
WAUWATOSA, WISCONSIN
Suburb of Milwaukee

OFFICES:
WAUWATOSA ARCADE
7218 W. North Ave.
Telephone BLuemound 5855

Sept. 21, 1939.

Mr. J. F. Rutherford,
124 Columbia Heights,
Brooklyn, N. Y.

Dear Brother Rutherford,

This will acknowledge your two letters of Sept. 19th which I shall likewise answer air mail, special delivery.

Brother Jackson's letter to you charging me with "going about amongst the various companies, together with Moyle, having his letter read to the companies and having Moyle make a statement" is a deliberate falsehood. At no time has Moyle's letter to you been read to any company and outside of myself I know of no other person, except my wife, who has read his letter. Neither have I publicly or privately defended Bro. Moyle's action to other brethren as I sincerely believe it is none of my business. Others have tried to engage me in conversation on it which I have discouraged by telling them bluntly that it was none of my concern, that I did not have the facts on both sides, did not want them, and the less said about it the better.

However, I took the attitude that even if Bro. Moyle was 100% wrong in what happened at



*Defendants' Exhibit C*

Brooklyn, it was my christian duty to help him as I could as long as he was now willing to do right, serve the Lord, and did not stir up trouble among the friends, thereby doing harm to the Lord's organization. He has minded his own business, been active in door-to-door witness work, publicly and privately expressed his loyalty to the Society and until his actions prove him to be a hypocrite I cannot condemn him for what I know nothing of. I assure you, however, should be "cause division" in the Lords organization I will be the first to be off of him like a dirty shirt.

I can readily see, Bro. Rutherford, from your past experience with those who have been ousted from Bethel that you are naturally suspicious that Bro. Moyle has or intends to turn against the Society. Moyle has not done so and while we should watch him closely let's not accuse him before he is actually guilty. He has several times expressed his great concern over this whole matter because he thought some might be stumbled thereby.

My action in demanding of Bro. Moyle that he tell the Milwaukee Company of his stand toward the Lord's work and the Society was prompted by the following. The whole matter had been almost forgotten when that statement came out in the Tower. Immediately a lot of tongues began to wag. Moyle, who did not even want to talk about it, was prodded "for the facts." Some wanted the whole thing aired out for them publicly to decide whether right or wrong had been done. Others demanded to know what he meant by attending the meetings and still others challenged the Societies right to declare any man faithful or unfaithful to the Lord, claiming that



*Defendants' Exhibit C*

"God alone can judge." This thing threatened to really develop into something so in order to nip it in the bud and "clear the atmosphere" I publicly demanded of Br. Moyle to know where he stood. He then read a short note setting forth exactly what I told you in my letter of the 12th. His letter to you was definitely not read nor any part of it. The whole matter as far we are concerned is over with now, so let the matter rest and be assured that nobody is causing any divisions that I know of.

Now, about that Racine proposition, let me say the following. I usually make a zone visit during the week in addition to Saturdays and Sundays because almost all companies have their service meetings during the week. Very often I take along with me a few of the Milwaukee friends who assist me at times in showing smaller companies how they arrange for back calls, start model studies, etc. We, of course, drive back home that same night. One Thursday I had asked four other brethren to go with me to Racine and as there was room for one more I asked Bro. Moyle if he cared to go. He consented as we were going to his own home town. He took no part in the meeting except to answer questions on the Watch Tower study which preceded the service meeting. He never opened his mouth publicly or privately over anything pertaining to his leaving Brooklyn and most certainly read no letter.

While the Tower study was going on Bro. Richards the Company servant and Bro. Jackson consented to giving me certain information for my zone report and as we were in the very next room I asked them to speak in low tones so as not



*Defendants' Exhibit C*

to disturb the meeting. Jackson's accusing me of saying that "the Informant is not really a part of the Theocratic arrangement" is a rank *lie*. I at no time made such a statement nor a similar one. As I recall we discussed their information marches which they had then discontinued pending an appeal on a case in their territory. I told them I had written you about the objections raised by the officials and that you had written me a very nice letter suggesting a different sign than the one that reads "Religion is a snare and a racket". I did tell them that I felt that the new sign was better than the old one.

About the study chairmen he again twists things to get me in bad. I asked who the company had recommended to the Society for study chairmen. They said that three names had been sent in. I wanted to know if they thereby believed that brethren alternating at the meetings was more satisfactory than having one brother handle the same meeting all the time. Both Jackson and Richards thought alternating might be better as it shifts the load somewhat. I told them I thought so too and the Milwaukee friends felt the same way. I informed them that I intended to ask you about it later but wanted to know first what the other companies in the zone had done in their recommendations to the Society.

Bro. & Sr. Jackson have no use whatsoever for Moyle. Several years ago the service desk sent Moyle to Beloit to straighten out a mess there. Jacksons were then part of the Beloit company and I understand Moyle's report severely condemned their actions, especially Sr. Jackson who rules the roost in that household and who I have also found out has all the earmarks of being a

*Defendants' Exhibit C*

trouble maker. Why they should be gunning for me I cannot explain except that I have refused to recommend Bro. Jackson as Company Servant over Bro. Richards who Sr. Jackson has repeatedly tried to discredit in my estimation. Jackson has more native ability than Richards but Richards is the humbler of the two. Also, Sr. Jackson so very definitely wants hubby to be Company Servant and that would mean that Racine would actually have a woman in charge because while Roy is not a bad fellow at heart, she runs the show. She probably feels a new zone servant would make the change I wont.

One more thing before I bring this epistle to a close. I am a zone servant through no choice of my own and while I will gladly serve as long as the Lord wants me to, I will feel it no loss to have you appoint another. I suppose I have made mistakes but who has not? I have made them though, after carefully and prayerfully considering the facts and using the very best judgment I have. My sincere determination is to continue to serve my God and His organization humbly and without presumption and that can be done as zone servant and also as just another company publisher.

My brokerage business takes me to New York once or twice a year and I would like nothing better than to sit down with you and discuss matters personally. I will be down there in about a month, so let me know if you care to see me.

Yours in His Service,

HARVEY H. FINK
H. H. Fink

HHF:kn



**Defendants' Exhibit D**

WATCH TOWER BIBLE & TRACT SOCIETY

Incorporated for the Promotion of the Interest of Jehovah's Kingdom

124 Columbia Heights, Brooklyn, N. Y., U. S. A.

Publishers for International Bible Students Association | PRESIDENT'S OFFICE | MAin 4-5421 Cable Address "Watchtower Brooklyn"

September 19, 1939

Mr. H H Fink
7218 W. North Ave
Watwatosa, Wisconsin.

Dear brother:

Since writing you the enclosed letter I have yours of the 12th. which I have just now read. Your action in this matter is entirely out of the line of your duty. The Board of Directors and the Family heard the matter and all were of the opinion that Moyle had made not only false statements, but statements in that letter that was a libel on the entire Family and upon the organization. In addition thereto matters were brought out before the Board of his unfaithfulness in handling legal matters. It is much better for you to let the Board of Directors to decide the matter rather than for you to decide it. Moyle's statement of his complete harmony with the Society is open to considerable doubt, to say the least of it.

During the four years of his presence at Bethel never at any time in the dining room did he answer a Bible question when propounded to him. Very seldom did he attend a study and



*Defendants' Exhibit D*

there are many reports from various parts of his attitude against the Lord's organization. If you persist in your course of action in attempting to take this matter up and causing a disturbance with the brethren I will consider it my duty to ask you quickly to quit the zone service. Subtlety is often used to get sympathy. It is not necessary for me to now go into the question of other matters concerning Moyle because that is a matter in which you are not concerned. But I must thoroughly disapprove of your attitude of demanding, as you state, "To know of Brother Moyle whether his association with this company meant that he was whole heartedly in favor of the work or not." And then to have his letter read before the company.

It does not become any part of your business to get into a controversy that arose in the action of the Board of Directors. You are assuming entirely too much in attempting to do something that is not at all your affair. It is well for you to duly consider 1 Thessalonians 4:11. I certainly do not wish to do Brother Moyle any injury but if I have to go into many things that are unnecessary that can be done.

That his letter is false ought to be sufficient and that the entire Family here have decided it is false, of itself would be sufficient to show unfaithfulness for the reason that any man who is a member of the family who will write a letter containing a deliberate libel of the Family is unfaithfulness to the organization, and that is only a part of it. I knew that Moyle would go out and try to cause disturbance and so told him before the Board and he has adopted



*Defendants' Exhibit D*

a subtle method of doing it and assuming an attitude similar to that which religionists usually assume when they want to put over something. If you fully endorse Moyle's action please let me know immediately. You are either for the Watchtower or you are not. I wish you to state positively and I wish to know whether or not you are going to represent the Society or attempt to cause disturbance amongst the brethren.

I have a letter from Brother Jackson from which I quote the following: "Brother Fink took our company servant and myself aside while the Tower study was on and spent considerable time in explaining with guarded language that the Informant was not really a part of the Theocratic arrangement, then pointed our his objections to the information marches, and also his objections to the 'one-study chairman idea.' He ended by stating that he just wanted to get our views and that he was going to all the other companies in his zone and get their ideas or views."

If you made this statement then you are not fit to be a zone servant. If you are not in harmony with instructions that come from the organization then you ought to be frank enough to say so and quit attempting to represent the Society. If it is your desire to join the opposition and fight against the Lord's organization then you know of course what will be the consequences before the Lord. I am speaking frankly to you now because I want you to have full opportunity to make your position clear therefore I ask an immediate reply. Sincerely,

J. F. RUTHERFORD



**Defendants' Exhibit E**

WATCH TOWER BIBLE & TRACT SOCIETY

Incorporated for the Promotion of the Interest of Jehovah's Kingdom

124 Columbia Heights, Brooklyn, N. Y., U. S. A.

Publishers for International Bible Students Association | PRESIDENT'S OFFICE | MAin 4-5421 Cable Address "Watchtower Brooklyn"

September 19, 1939.

H H Fink
7218 W. North Ave
Wauwatosa, Wisconsin.

Dear brother:

Letter just now received from Racine, Wisconsin in substance states this: That you as zone servant are going about amongst the various companies, together with Moyle, having his letter read to the company and Moyle making a statement. I would like immediately to have your reply to this and why you are doing it. I call your attention to the fact that this is no part of your duty as zone servant; you have not ascertained the real facts and if you are proceeding in this way then your services as zone servant are no longer needed as you are manifestly not working in the interest of the Lord's organization but attempting to cause a division, as the apostle mentions in Romans 16. The letter of Moyle does not state any facts whatsoever. It was read to all the Board of Directors and everyone of the Board denounced the letter and Moyle. It was read to the entire family of Bethel and not one person in the family sustained Moyle. If it is your purpose to attempt



*Defendants' Exhibit F*

to cause divisions amongst the brethren by taking a one-sided matter then let me know immediately and I shall know what action to take.

Sincerely,

J. F. RUTHERFORD

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**Defendants' Exhibit F**

WATCH TOWER BIBLE & TRACT SOCIETY

Incorporated for the Promotion of the Interest of Jehovah's Kingdom

124 Columbia Heights, Brooklyn, N. Y., U. S. A.

Publishers for International Bible Students Association | PRESIDENT'S OFFICE | MAin 4-5421 Cable Address "Watchtower Brooklyn"

October 3, 1939.

Mr. H H Fink
Wauwautosa
Wisconsin

Dear brother:

In your letter to me of September 12 in which you related the action of yourself and the Milwaukee Company with reference to O R Moyle, you request that I point out to you wherein your attitude has been incorrect. I replied to this letter also your letter of September 21st.

THE FACTS: A letter addressed to the President of the Society by Moyle was left in the lobby of the Bethel and later received. Others knew about this letter aside from the Bethel Family

*Defendants' Exhibit F*

some time before the letter was sent to the President of the Society. A full meeting of the Board of Directors was held thereafter. Moyle was present. The letter was read and the Board unanimously expressed themselves that the letter was filled with lies, was a slander upon the members of the Bethel Family and had been written without any just cause or excuse and that therefore the action of Moyle as a confidential adviser of the Society was an act of unfaithfulness. After each member had spoken pointing out to Moyle the gross misconduct of which he was guilty, and he was asked to make a statement, his only reply was: "The letter speaks for itself." Neither then nor at any time since has he expressed his regret or repentance for this slanderous publication against the Bethel Family. So far as I know he still persists in claiming that his statements in that letter are true.

In your letter to me of the 12th. you say: "I of course knew that he had written a letter to you. . . . I have seen the letter. Naturally I am not in a position to pass upon the truth or falsity of any of the statements contained therein and neither am I in any sense of the word interested." Furthermore your letter states that you called upon Moyle at a meeting of the company to state his position, and in this connection I quote from your letter also: "I as zone servant publicly demanded to know of Brother Moyle whether his association with this company meant that he was wholeheartedly in favor of the work of the Society and intended to cooperate with this company individually in all matters and in



*Defendants' Exhibit F*

which case WE WOULD BE ONLY TOO GLAD TO HAVE HIM DO SO. Otherwise we wanted an explanation of the statement found in the Tower. . . . I assured him on behalf of the company, as well as myself, that if those were his sentiments we would be only too glad to have him in our midst and that even if he had been wrong, which of course I cannot say dogmatically, THE LORD AS WELL AS THAT OF THE COMPANY WOULD BE ONLY TOO GLAD TO LET BYGONES BE BYGONES.

Your action in this regard was entirely un-Scriptural. The Lord Jesus says: "If thy brother trespass against thee, rebuke him; and IF HE REPENT forgive him." (Luke 17:3) You had no evidence whatsoever that he had repented. The statement in his letter was a gross libel and slander against the Family of Bethel, if false; and if true, then he could not have conscientiously said that he was in full harmony. You made no attempt to ascertain the truth of the matter. You preferred to take his unsupported statement of the truth of the matter, as against the WATCHTOWER publication and you attempted to speak for the Lord, which you had no authority to do.

You were presumptuous before the Lord in this entire matter. Your first duty was to inquire from the Society if you desire to know why this action was taken because the presumption must be indulged that the WATCHTOWER would not make such a statement about anyone unless it was fully supported by the facts.

In your letter of the 21st. you say that you took the position that if he was 100% wrong it was still your duty to help him, until his actions



*Defendants' Exhibit F*

proved him to be a hypocrite. "I cannot condemn him for what I know nothing of." You did know what he had said in the letter. You did know what the WATCHTOWER had said, and your actions show that you approved what he said in the letter.

You furthermore add: "Let us not accuse him before he is actually guilty." The Board of Directors had decided he was actually guilty. You furthermore say that he stated to you that he had voluntarily resigned before being ousted. If that was true why did he go to New England and tell several brethren there about his purpose to quit before ever mentioning it to anyone here?

You say that "The friends were puzzled about the statement in the WATCHTOWER and the apparent inconsistency with it and "Brother Moyle's action". In other words, the WATCHTOWER was inconsistent and Moyle was consistent in the slander of his brethren.

You quote words uttered by him about my personal ability. Such words do not fool me for a minute. Words of flattery are despicable: "And a flattering mouth worketh ruin". (Proverbs 26:27) A slanderer of the Lord's organization, including the entire family, was a slander against the Lord himself. You were willing to pass that up as immaterial and at the same time agree in your own mind that the brethren should restore him. Your action only tended to cause division. Has he repented yet for his wrong doing? He had not on August 24th, because on that date he addressed a letter to some others enclosing copies of his slanderous letter and



*Defendants' Exhibit F*

asking the persons addressed to distribute them amongst the brethren. That is not much evidence of repentance. That is over his own signature. If there was any disposition on his part to show regret for his attempt to cause division amongst the brethren there would be a reason for talking about forgiveness. Says the Lord at Luke 7:4 that repentance is a condition precedent to forgiving a wilful wrong-doer. He sinned against the Lord and against the Lord's brethren, and sinned against the light and it would be an insult to the Lord to forgive such a person who still persists in maintaing that his slander is right.

Because of his circulation of the slanderous letter the Board of Directors passed a Resolution and asked that the same be published. Brother Howlett was sent to Milwaukee with a Resolution which was read before the company. In these strenuous times no one has an excuse for trying to keep on both sides. It is the privilege of the company at Milwaukee and elsewhere to endorse Moyle's slanderous and unfaithful action or to repudiate it. That privilege is yours also. A copy of this letter goes to the company servant at Milwaukee. You may read this letter to the company if you wish or have the company servant read it or he can read it, as the company may require, and then the company will take whatever action it wishes. Brother Howlett was temporarily appointed zone servant as you know until you should have an opportunity to clear up the misunderstanding. Up to this time you have made no effort to rectify your wrongful action. Under the circum-



*Defendants' Exhibit G*

stances it would be improper for you to serve as the Society's representative and at the same time condone the action of one who has so grossly slandered the Lord's people, and who has attempted to cause division amongst them. No personalities are involved in this matter. It is only a question of whether one will be for the Lord's kingdom or not. Mere words will not suffice. I am laying this matter before you pointing out your wrongful action that you may be fully advised and take whatsoever course you may choose.

Sincerely,

J. F. RUTHERFORD

cc

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**Defendants' Exhibit G**

This exhibit is a letter from H. Fink to J. F. Rutherford, dated September 25, 1940.

Not printed pursuant to stipulation on pages 1988-1989 of this record.



**Defendants' Exhibit H**

HARVEY H. FINK & COMPANY
FOOD PRODUCTS BROKERS
WAUWATOSA, WISCONSIN
Suburb of Milwaukee

OFFICES:
WAUWATOSA ARCADE
7218 W. North Ave.
Telephone BLuemound 5855

Oct. 6, 1939.

Mr. J. F. Rutherford,
124 Columbia Heights,
Brooklyn, N. Y.

Dear Brother Rutherford,

I am sincerely thankful for your most recent letter of Oct. 3rd and the frankness with which you treat the matter under discussion.

Permit me to state first of all that I alone am solely and exclusively responsible for having asked Bro. Moyle to make his statement to the Milwaukee Company relative to his faithfulness to the Society. At the time I honestly believed it to be the proper thing to do as I did not want the Society to get a black eye in this thing. Even when I discussed this matter with Bro. Howlett I still was of the same opinion.

Since his departure I have given the matter most serious and prayerful consideration and I am now thoroughly convinced that such action on my part, no matter how good the motive behind it, was uncalled for and very unwise. Consequently I am most willing to publicly acknowledge such wrong on my part before the Milwaukee Company at our very next Tower and Service meeting.

1837

*Defendants' Exhibit H*

Last Sunday evening we unanimously passed a resolution here in Milwaukee which was mailed to you Tuesday, setting forth in unmistakable terms our position toward the Society and you as its president. I am happy to say that every last one of us heartily endorsed that resolution which should assure you that there has been no division caused by what has happened.

Permit me to assure you that in willingly making this public acknowledgment of my unwise action I am not prompted by fear of not being reinstated as zone servant. Frankly, I would prefer that this position be given to another even though I shall be most willing to continue in that capacity if the Lord so wills. In either event you have my solemn assurance before God who is our judge, that I shall do my level best to heartily cooperate with whatever arrangement you might decide to make.

Bro. Jackson of Racine who wrote you accusing me of a multitude of other sins has never answered my letter to him demanding an explanation. I am just wondering if he wrote you again.

Yours in His Service,

HARVEY

HHF:kn

1838

*Defendants' Exhibit I*

October 9, 1939

Mr. H. H. Fink,
Wauwatosa, Wis.

Dear brother Fink:

Thank you for yours of October 6th. I am really glad to have it. I am glad to see that you take my reprimand in the proper spirit. "Whom the Lord loves he chastens" and I think we should always take things of this kind. I am glad that you see the matter now in the proper light. It is not a question of Moyle or any other man being involved; the question is, are we for the THEOCRATIC GOVERNMENT. Moyle has made the greatest mistake he ever made. He came very near entrapping you. I hope you are fully escaped from that.

Continue to cooperate with the other brethren in the Lord's service. I appreciate the Resolution passed by the company at Milwaukee.

With much love and best wishes, I remain

Your brother and servant by his grace,

[J. F. RUTHERFORD]

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**Defendants' Exhibit I**

September 1, 1939 THE WATCHTOWER

That JESUS was made human, and the man JESUS suffered death in order to produce the ransom or redemptive price for obedient ones of mankind; that God raised up JESUS divine and exalted him to heaven above every creature and above every name and clothed him with all power and authority.

1839

**Defendants' Exhibit J**

December 15, 1939 THE WATCHTOWER

IN FULL HARMONY

(The following is from the son of O. R. Moyle)

Dear Brother Rutherford:

On August 8, 1939, when the Bethel family was asked to express their disapproval of the letter of O. R. Moyle, I expressed my approval by remaining seated. After prayerful and Scriptural consideration of the matter I am now of the opinion that my action was wrong.

I wish to state that I am in full harmony with the Theocracy of Jehovah and I recognize the Society as the visible part. I desire to co-operate to the best of my ability and opportunity.

Yours in the Kingdom interests,

PETER O. MOYLE.

1840

**Defendants' Exhibit K**

[Envelope postmarked Brooklyn, N. Y. 6, Feb. 1, 1941, 11.30 P. M.]:

After 5 Days Return to
P. Moyle
102 Diamond St.,
Brooklyn, N. Y.

Mr. Henry McCay
82 Norman Avenue
Brooklyn, New York

[ENCLOSURE]:

INFORMATION

VITAL TO JEHOVAH'S WITNESSES

Sept. 25, 1940.

To: Jehovah's witnesses,
Milwaukee, Wisconsin.

Dear Brethren:

On March 21st of this year I was excommunicated from the Milwaukee Company of Jehovah's witnesses under orders from the Society's president. Many of you brethren are still in ignorance of this fact, and some have inquired as to why Sister Moyle and I do not now attend meetings. Others have wondered about the controversy between Judge Rutherford and myself. During the year you have heard and read just one side of that controversy—the Society's side—and strenuous efforts have been made to keep you from knowing any facts I might present. Any consideration of my side of the case is branded

1841

*Defendants' Exhibit K*

by the Society as an act of treason against the "Theocracy" and a stirring up of dissension.

In order that you may know some of the FACTS, I am attaching to this letter copies of two letters to Judge Rutherford, to wit: First: my letter of July 21, 1939, tendering my resignation as the Society's counselor. Second: Copy of letter of May 18, 1940, reviewing Judge Rutherford's subsequent actions in the matter. These letters contain FACTS of which the Society's president is desperately trying to keep you and all of Jehovah's witnesses in ignorance.

Many have wondered why the Judge has waged such a malicious and vindictive campaign against me. There is just one answer: FEAR. The whole story was not told in my letter of protest. There are many additional FACTS about this self-styled administrator of "The Theocracy," which if generally known would cause him to be looked upon with abhorrence and disgust. FEAR of exposure impelled him to embark on a smearing campaign against my good name and reputation with the purpose of thoroughly discrediting me in the eyes of his supporters. FEAR is the motive which causes him to blacken others rather than have his own misdeeds brought to light. FEAR of the truth has brought to birth many a religious inquisition and Judge Rutherford follows in that well-beaten path. Whether the whole story of his monumental deception of God's people shall be published is a matter for time and the Lord's leadings to determine.

For more than twenty years Sister Moyle and I gave our best efforts and service to the work

1842

*Defendants' Exhibit K*

directed by the Society. We did this as unto the Lord, and it has been heart-rending for us to believe that the organization has departed from the faith. BUT WE CANNOT DENY FACTS. The Society's intolerant attitude and practices cannot be reconciled with Christianity. Real Bible study has been gagged and suppressed by the organization. The comforting doctrines of Restitution, Resurrection and the Kingdom have been set aside and are replaced with the wondrous delusion that the Jonadab babies will fill the earth. God's people among Jehovah's witnesses are being ensnared into bondage to a Rutherford Hierarchy which is of the same order and just as intolerant as the Papal machine. Truly the message, "Come out of her my people, that ye be not partakers of her sins," applies as fully to the Watch Tower organization as to any other false religious organization.

It is my hope and prayer that this letter and its accompanying enclosures will help some to break these chains of restraint and come forth into the liberty wherewith Christ has made us free.

Your brother in His service,

OLIN R. MOYLE.

May 18, 1940.

Judge J. F. Rutherford,
124 Columbia Heights,
Brooklyn, New York.

Dear Brother Rutherford:

Recently the Milwaukee Company Servant, in accordance with your directions, handed me a letter excommunicating me from the Milwaukee Company, at the same time stating, "I am sorry to do this, Olin. I like you as a man, but you are in bad with the Society." He well knew that my course of action in Milwaukee had always been in harmony with the Truth, but nevertheless felt obligated to put on the ban of excommunication because you desired it. Some others of the Company took a similar stand. They realize that I am loyal to the Lord and to the Truth, but for fear of incurring your displeasure they comply with the interdict.

This raises an issue of great importance. Which is Supreme: An edict from you, or the principles of righteousness? Must Jehovah's witnesses condone and support that which is evil solely because you request it? Do your commands as president of the Society supersede and set aside the laws of Almighty God?

Abstractly stated, there is no doubt but what you will agree that the laws of God and the principles of truth and justice set forth in God's Word are superior to any demands, requests, or directions issued by you or the Society. But in the discord and division you are stirring up about me there has been a very definite disregard of this fundamental principle of Supremacy.



This should cause you to seriously consider your course, and for your own welfare I am again reviewing the matter.

During the past few months you have used the Society's facilities to discredit and degrade my name and reputation regardless of facts, truth or justice. You have hurled forth false accusations and circulated lies promiscuously in manner similar to those who propagate false religion. I cite a few instances:

First: The September 1st Watch Tower contained a notice that my services as Counselor were terminated because of "unfaithfulness to the Kingdom interests and the brethren." This was wholly untrue. The work I did speaks for itself. And up to within a short time of my leaving you often commended my zeal and earnestness in fighting our cases. The truth is that I resigned my position and gave you thirty days notice thereof. You speeded my exit because I told you the truth about your own wrongful acts.

Second: You caused to be published in the October 15th Tower a statement alleging that every paragraph, except the first of my letter of July 21st to you was false. This was a whopper. Your record of scoldings, petulant outbursts of temper, and discrimination against the Bethel brethren is too well known to be successfully denied. C. J. Woodworth admitted the truth in his letter to me of August 15th. Then under your direction he reversed himself and signed a letter or statement alleging my letter to be totally false. Thus under coercion from you the Lord's people are required to speak lies and



bring false accusations. Others even among the Board of Directors have privately deplored your tirades against your brethren, but they still retain your favor by keeping quiet. Fear of you and the desire for your favor more than the favor of God could be the only motive for the Directors to sign such a slanderous statement.

Third: Early in September you sent M. A. Howlett to spread and enlarge your campaign of defamation. It is now clearly evident that his job was to spread the idea that I am busy circulating falsehoods and stirring up strife and division in the Companies. He made no investigation to determine Facts but did a very successful job of building up a case of opprobrium upon nothing.

May I remind you that the circulation of Truth does not constitute the stirring up of strife and division. If I had circulated the letter of July 21st among the brethren I would be doing no more than giving them information to which they are entitled. I have actually shown it to about a dozen of my friends, but no more. The brethren of Milwaukee, who excommunicated me under orders from you, are still ignorant of the contents of that letter. But Howlett had to "make a case" and thereupon arranged for a bunch of letters and declarations referring to "malicious letters of Moyle" and Moyle's "attempts to cause division among the brethren." Chicago, Rockford, Aurora, Kankakee, Waukegan, and other places arose to the occasion and turned in such declarations. The striking fact is THAT I HAVEN'T BEEN NEAR ANY OF THOSE TOWNS NOR CIRCULATED ANYTHING IN THEM.



Nevertheless, you continue publishing the statements in order to cause the brethren throughout the country to believe a lie.

We are told that a "false witness that speaketh lies" is an abomination unto the Lord. How can you reconcile your tactics with this plain declaration from Jehovah?

Fourth: By the use of falsehood and compulsion you secured my excommunication from the Milwaukee Company of Jehovah's witnesses. The brethren here know that I am loyal to the Lord. But you wrote that I had "committed an assault upon the Society" (which is another lie out of whole cloth) and I should be gagged and not tolerated. The brethren through fear then complied with your autocratic demand.

Now MARK THIS: There wasn't the slightest sign of division or strife in the Milwaukee Company until you and Howlett sowed the seeds of discord. Now there is dissatisfaction and unrest. Why? Because you stirred up a false issue and caused confusion among the brethren. On account of the falsehoods of a henpecked sycophant of Racine you kicked Harvey Fink, Zone Servant, out of office. And because he would not join in your interdict against me he has been treated like a leprous person by the brethren of the Company. The fact that Harvey Fink is thoroughly loyal to the Lord and active in the Kingdom work has been disregarded by you. Obedience to your demands thus come ahead of loyalty to Almighty God. Many are sick at heart over such unrighteous acts, and others follow your example of spreading false accusations and poison. That is the kind of discord



you have brought to birth in the Milwaukee Company.

This isn't the whole story. One evil begets another and the perverse course you started on August 8th, has spread until it has reached voluminous proportions. No individual has heretofore received the extensive calumnies accorded to me in the Watch Tower. The conclusion is inescapable that while pouring out such condemnation on religion, you are guilty of indulging in the worst kind of religious practice, to wit, that of persecuting a brother who had the temerity to tell you the truth. And it is Fear that has led you into this trap. You were afraid that I would broadcast to all brethren the facts concerning your unbridled use of the tongue, and you thereby determined to smear me so badly that no one would believe me. You have had some measure of success BUT AT WHAT A COST. "Wherefore hast thou despised the commandment of the Lord, to do evil in His sight?" Truly you have placed yourself and your reputation ahead of the laws of God. That is of much greater consequence to you than the degradation of reputation is to me.

You claim that I had no right to send you that letter even though its statements be true. In other words your position is so lofty as to give you immunity from criticism or protest even though you commit the most wrongful of acts. This is further evidence that in your unrighteous course you have exalted and placed yourself and your commands above the laws of God. You have through coercion required Jehovah's witnesses to condone and support your



wrongful course. You have punished those who would not, and have thereby engendered a woeful spirit of fear and restraint among the brethren. That is a vicious use of God-given facilities and a trampling upon the rights of your brethren.

My standing with Jehovah God has not suffered in the slightest by reason of your onslaught. I still love the Lord and still engage regularly in the witness work. I shall continue to do so regardless of your embargo. But through malice and fear you have been ensnared into Satan's trap, and you have violated so many of the plain decrees of Almighty God that a continuance therein must surely merit His stern disapproval. For your own welfare then may I urge you to carefully, honestly and prayerfully review this whole matter, and do that which is right before God and men.

Yours in Kingdom service,

OLIN R. MOYLE.

[Here appears IN THE ORIGINAL of Defendants' Exhibit K the entire text of plaintiff's letter to J. F. Rutherford dated July 21, 1939, which letter of O. R. Moyle is Plaintiff's Exhibit 4, printed herein at page 1732 and therefore not printed again here. Compare paragraph 1, page 1841, supra.]

**Defendants' Exhibit L**

PLEASE ATTACH PHOTOGRAPH

QUESTIONNAIRE

The undersigned desires to become a member of the Bethel Family and to enter the service of the Watch Tower Bible & Tract Society at Brooklyn, N. Y., and for this purpose makes truthful answers to the following questions:

1 Name Phoebe N. Moyle

2 Complete address 124 Columbia Heights

3 Single or Married M, Age 48 Weight White or Colored White

4 Are you physically and mentally strong? Yes

5 Have you any person dependent upon you for support? No

6 Are you wholly consecrated to the Lord? Yes

7 Are the Lord and his kingdom of greatest importance to you? Yes

8 Are you in complete harmony with present truth and the Society's work? Yes

9 What language do you speak and write? English

10 What particular work are you qualified to do? _____

11 In what business are you now engaged? Housework

12 Have you any means of support? _____



*Defendants' Exhibit L*

13 Can you pay your way from your home to Brooklyn? _____

14 If you enter the service of the Society and the Bethel Home, will you willingly conform to all the rules of the Office and the Home? Yes

15 If the Lord opens the way for you to enter the service at Bethel, will you remain faithful at such post of duty until the Lord takes you away? Yes

Date May 8th/36

PHOEBE N. MOYLE
Signature of Applicant

Applications for service are filed without acknowledgment unless such is requested. Notice of acceptance will be sent to the applicant when a position is [illegible] in which his or her services can be utilized. Kindly notify the President's Office of any change in your address as given above.



**Defendants' Exhibit M**

Rochester, Wis
Sept. 8, 1939

Dear Jonathans: (of the Waupun Company)

Good Morning! And how are "you-all"? It is quite a while since we have had a "chin-fest", and it is a busy time, as usual, even if we have had to lay off on the pioneering.

We have been down here to Rochester around three weeks, and will probably remain two weeks more. Leland is working with Ed Peterson, my sister's husband, painting and repairing his place at Yorkville. We are parked in our trailer on my cousins' lot here at Rochester, and have things very convenient. I was going with Leland this morning to paint the window sash for him, but it began to mist before we could get started, so I took my lunch out again, and stayed home. Petersons are also parked here in the trailer.

We had hoped to get out in the service in between times, but our fruit and garden have claimed our attention, and we have had company. Leland's sister and family (5 all together) from Miami, were with us at Lake Mills last Sunday and Monday. After they left Tues. morning, we put out a two-weeks wash, and harvested about a bushel of grapes and put the juice of them in 21 bottles. The week before that, we went down Sat. afternoon and harvested plums, corn, beans and tomatoes—25 qt. all together, and 15 glasses of marmalade and jell each.

I suppose you received the card I sent about the vacuum cleaner? Well, with the understanding that the new brush would cost only 30 cents,



*Defendants' Exhibit M*

I ordered one from M. Ward at Watertown. When we went to get the cleaner last Tuesday, we found that the man who had told me the price had gone and that the charge was 75 cents. I protested a little bit, but to no avail. Paid it, and got the cleaner. Now, if you wish to change your mind about buying it with that 75 cents added to the cost, it will be perfectly all right,—because you didn't bargain to have me get it fixed for you and pay that price for it.

We just got out last Towers when we were home last Tuesday. The little paragraph called "FOR YOUR INFORMATION" was the first thing that hit me—right square in the face! Perhaps you got a shock, too,—!!! Of course, I knew that My brother had been "pitched out", as he



*Defendants' Exhibit N*

is your privilege. And now I must stop, and write to the others. This is a very sorrowful "David" who has written this letter.

With much love to you all from us both,

LAURA & LELAND.

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**Defendants' Exhibit N**

Rochester, Wis
Sept. 8, 1939

Dear Friends of the Columbus Company:

We were home to Lake Mills last Tuesday, and got our latest Towers. The little para-



*Defendants' Exhibit O*

given me permission to use the letter for that purpose. We *should* FACE THE FACTS, should we not? You may copy the letter if you wish. If you do not care for the letter after reading it, you may return it to me. I am sending a copy to each of the four companys that were formed in our former territory. Will you, the company servant, please see that each member has an opportunity to read this letter carefully? And if you wish to pass on this information to others in the truth, that is your privilege. It is a very sorrowful "DAVID" who has written this letter to our dear "JONATHAN" friends.

With much love to you all from us both,

LELAND & LAURA

*Defendants' Exhibit O*

Of course, I knew that my brother had been "pitched out", as he expressed it, and that the reason for it was a letter he had written to Bro. R— about the conditions there. I knew that he had resigned, too, and was expecting to come to Wisconsin and again practice law after Sept. 1st. He came two weeks earlier on account of the hasty action of the executives there at the Bethel.

Well: For your further information, and because I believe you are fair-minded enuff to get both sides of any question before passing judgment, I am sending you a copy of the letter my brother wrote to the judge, and including some of the FACTS that followed it. He says he sees no harm in letting the FACTS be known, and has given me permission to use the letter for that purpose. We *should* FACE THE FACTS, should we not? You may copy the letter if you wish. If you do not care for the letter after reading it, you may return it to me. I am sending a copy to each of the four companys that were formed in our former territory. Will you, the company servant, please see that each member has an opportunity to read this letter carefully? And if you wish to pass on this information to others in the fruth, that is your privilege. It is a very sorrowful "DAVID" who has written this letter to our dear "JONATHAN" friends.

With much love to you all from us both,

LELAND & LAURA ROUSE.

P.S. We are parked at Rochester while Leland is working for my sister's husband. He drives nine miles to Yorkville each day. Will be here two weeks more—maybe three.



**Defendants' Exhibit P**

7218 W. North Avenue,
Wauwatosa, Wisconsin
August 24, 1939

Dear Fred and Jessie:

Enclosed you will find copies of the correspondence relative to our exit from Bethel. I will need these for other purposes so would like to have them returned when you are through with them. You can make copies of them to keep is you so desire.

We certainly enjoyed your visit yesterday and are especially grateful for the kind sympathy you expressed to us. We have gone thru a nerve wracking experience but the kindness and sympathy of the brethren back here more than compensates for the injuries suffered.

You can show these letters to any of the brethren that you desire. Woodworth is intending to make it public thru his "public denunciation" so it is all right for any of the brethren to have *all* the facts now.

Yours in the Lord's service,

OLIN R. MOYLE



**Defendants' Exhibit Q**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

Sept. 27, 1940

Mr. O. Fryklund,
Audubon, Iowa.

Dear Brother Fryklund:

Your letter of Sept. 23rd addressed to me at Brooklyn was forwarded and arrived here this morning. I do not quite understand as I did not write to you under date of September 1st concerning any land for the use of pioneers. If you have any such letter purporting to come from me, I will appreciate it if you will send me a copy.

If you have followed the Tower very closely you will have seen the various statements and letters therein concerning me. The judge has waged a malicious and untruthful campaign to smear my good name among the brethren. I have kept quiet and let him rave for a year but the time has now come to let the brethren know the truth. So you will find a couple of pamphlets enclosed which I hope you will read carefully. And I'll be glad to hear from you after you have read them.

When an organization claim to be the agent of the Lord's Theocracy indulges in religious persecution it is time for those who follow the Lord to sit up and take notice.

Your Brother in His service,

OLIN R. MOYLE



**Defendants' Exhibit R**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

Dec. 29, 1939

Mr. Elmer J. McDaniel,
Zone Servant,
2151 N. 41st St.,
Milwaukee, Wisconsin.

Dear Brother McDaniel:

Will you permit me to give you some information concerning the appeals now pending in the Kenosha County Circuit Court.

The situation is this: These appeals involving three cases were taken last summer. A new term has now commenced and the cases have not been brought to trial. I understand that the attorney for the defendants is waiting for the prosecuting attorney to bring the cases to trial. The chances are strong that the prosecuting attorney never will bring them up for trial. He has won the cases in the lower court and knows that his chances are poor in the upper court. Furthermore by letting the cases ride along he can in time secure a dismissal of the appeals without even trying them, provided they are not noticed for trial by the defendants.

It is a rule of court in that circuit that if a case on appeal is not brought up for trial within three terms of its filing the appeal will be dismissed and the original judgment will still stand against the defendants. In these cases therefore the prosecutor need only wait until three terms pass, and then if the attorney for



*Defendants' Exhibit R*

the defendants has not brought the cases up for trial he can move for dismissal and collect the fines against the bondsman.

This is a piece of information which you as a layman are probably not familiar with, and I am passing it on to you for such use as you may feel advisable. Please do not misunderstand me on this. I am not trying to butt in on the case, or tell you what to do with it. I would hate to see the brethren lose out on the case thru a legal technicality of this sort and therefore give you the information. There is no immediate present danger but there will be in due time if the case is not noticed for trial.

Yours in Kingdom service,

OLIN R. MOYLE

[Envelope postmarked: Milwaukee Wis. Dec 29 1939 12.30 PM]

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.

Mr. Elmer J. McDaniel,
2151 N. 41st St.,
Milwaukee, Wisconsin

c/o C. H. Ellison



**Defendants' Exhibit S for Identification**

THE PROGRESSIVE, SATURDAY, SEPTEMBER 5, 1942

THE PEOPLE'S FORUM

JEHOVAH'S WITNESSES

Dear Sirs:

Your editorial concerning the recent Supreme Court decision was an excellent protest against a decision which may have far reaching evil effects. In previous cases Jehovah's Witnesses had secured a number of good decisions which clarified the fundamental liberties of press, speech, and religion, but this later decision has muddied the issue and opened the door for autocratic forces to clamp down on the unorthodox of all varieties.

The ugly brand of intolerance which attempts to suppress opinion and expression is bad business for a democracy. Jehovah's Witnesses have rendered a valuable service not only to themselves but to the country in courageously fighting cases through the courts.

But this militant band of religious devotees has not shown itself free and clear of intolerance and bigotry. I was formerly one of them, and for four years, ending in 1939, was General Counsel for the organization. While so engaged I protested at the headquarters against some of the un-Christian practices there abounding.

For so doing I was excommunicated from the organization; condemned to Gehenna as a complainer, a murderer, a Judas, and an evil servant.

On investigation I learned of many others who had been falsely condemned and harshly treated

*Defendants' Exhibit T for Identification*

because they did not conform to the tenets of the hierarchy managing the group. While protesting loudly and vociferously against persecution of themselves, they are not at all hesitant about inflicting harsh treatment on others.

Persecution of Jehovah's Witnesses in this country by intolerant forces is to be greatly to be deplored and The Progressive is to be commended for protesting against it. But they should do unto others as they desire others to do unto them.

OLIN R. MOYLE
Johnson Creek, Wis.

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**Defendants' Exhibit T for Identification**

14 TUESDAY, OCTOBER 13, 1942

THE MILWAUKEE JOURNAL

W. NIEMAN, Founder, 1882
Published by The Journal Company

H. J. GRANT, Chairman of the Board
M. H. CREAGER, President and Editor
J. D. FERGUSON, Vice-President and Associate Editor
L. L. BOWYER, . Vice-President and Publisher
J. P. KEATING, . Vice-President and Production Mgr.

RATES—Carrier delivered and street sale: Daily 3 cents. Sunday 10 cents. By mail in Wisconsin and the Upper Peninsula of Michigan where carrier service is not available: Daily $5, Sunday $5. Foreign rates on application.



*Defendants' Exhibit T for Identification*

Phone Marquette 6000. Private telephone system. Address all correspondence to specific person or department.

FROM THE PEOPLE

RUSSELL AND RUTHERFORD

To The Journal: In your issue of Oct. 6, referring to the case of two children of Jehovah's Witnesses in Milwaukee refusing to salute the flag, you make the following statement: "Jehovah's Witnesses is a sect founded in 1878 by Charles Taze Russell."

That statement should be corrected, for the facts are that Charles Taze Russell did not found Jehovah's Witnesses and never had anything to do with them. Russell did organize and use a corporation named the Watch Tower Bible and Tract society for the purpose of disseminating Bible truths. On Russell's death "Judge" Rutherford secured control of this corporation and proceeded to do away with the teachings promulgated by Pastor Russell. In the course of a few years Russell's publications were superseded by the prolific writings of "Judge" Rutherford spreading the tenets of a different theology.

Consequently thousands of people adhering to the biblical teachings of Pastor Russell withdrew their support from the Watch Tower Bible and Tract society and are now found in numerous Bible student classes throughout the country. To link Charles Taze Russell and Bible students with Jehovah's Witnesses is grossly unjust.

OLIN R. MOYLE.

Johnson Creek, Wis.



**Defendants' Exhibit U**

OLIN R. MOYLE Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone BLuemound 5856

Sept. 11, 1939

Mr. C. F. Froberg,
1838 N. Fairfield Ave.,
Chicago, Ill.

Dear Brother Froberg:

One of the Milwaukee publishers who had been visiting in Chicago reported that you wanted to get in touch with me but that you did not know and were not able to ascertain my whereabouts. So I am writing to let you know where I am and to state that if I can be of any help to you or the brethren please let me know. I expect to open an office for the practice of law here in Wauwatosa at the above address but in view of the fact that those offices are undergoing remodelling you should address me at 7218 W. North Ave., Wauwatosa, Wis. Will probably move into the new quarters about Oct. 1st.

You no doubt read the notice in the September 1st Tower of my dismissal from Bethel for alleged unfaithfulness. I am enclosing a statement concerning the matter which will give you further enlightenment. I've never been disloyal to the Society or the Truth or the brethren.

If I can be of any service to you please let me know.

Yours in Kingdom service,

OLIN R. MOYLE.



*Defendants' Exhibit U*

STATEMENT

The September 1st Watch Tower contains a notice stating that my connections with the Society were severed because of unfaithfulness to the Kingdom interests and to the brethren. This statement does not conform to the facts. The facts are as follows:

On July 21st I gave Brother Rutherford thirty days notice in writing of my resignation as the Society's counselor. This resignation was given as an emphatic protest against certain conditions which had arisen at Bethel. I had no personal grievance against the Society's President but I protested strongly against some of his actions, such as ill treatment of the Bethel family; scolding and lambasting them at the dinner table; discriminating against them in the matter of comfort and conveniences; undue exaltation to the use of alcohol, and the use of filthy and vulgar language.

On August 8th, immediately following vacation prompt action was taken concerning the matter. The Board of Directors was called together and my letter of resignation read to the members thereof. The Board recommended that my connections with the Society be severed immediately. I was branded as a religionist, a member of the evil servant, and in all seriousness it was claimed that I was a Jesuit, presumably in disguise. The Moyle family was thereupon given half a day to pack up its goods and get out. Since leaving Bethel other stories have mysteriously come to the front, to the effect that I betrayed the brethren in the courts and that I instructed brethren in Massachusetts that it would be all right to send their children to a military school. These



*Defendants' Exhibit U*

claims and stories are false and apparently made with an ulterior purpose.

I have never been disloyal to the Society or the interests of the Kingdom. My position was stated in a letter to Brother Rutherford on August 21st from which the following is quoted:

> "The facts indicate that you and Woodworth have the idea that I have left the Society and intend to embark upon a campaign against it. This is most emphatically not the case. I am loyally supporting the Society in this area and expect to continue to do so regardless of the attitude of the Society toward us. Neither am I waging any personal warfare against you. I have never questioned or denied that the Lord is using you as his earthly director of Kingdom work. But your position does not give you immunity from protest against wrongful action. I protested to you personally and privately because of your abuse and discrimination against your fellow servants at Bethel. It was not a personal grievance, but was made solely in the interests of the family and the organization against your personal acts."

I am now a part of the Milwaukee Company of Jehovah's witnesses and engaging wholeheartedly with it in the advancement of the Kingdom interests. This statement is made to personal friends so that they may have a clear understanding of the matter.

September 7, 1939

OLIN R. MOYLE



*Defendants' Exhibit U*

OLIN R. MOYLE Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone BLuemound 5856

October 19, 1939

Mrs. Frances Hunter,
Plainfield, N. J.

Dear Sister Hunter:

I heard some news this morning to the effect that in spite of the statement in the Watch Tower some of the Plainfield friends still believed that I could not be guilty of the things with which I am charged. You can't imagine what comfort that brought. I hope it is true. I never received such a battering in my life as I have this last month or so from the Society. All I did was to send to Brother Rutherford a letter protesting against some of the things he did, such as lambasting the brethren at Bethel etc, and for that I have been charged with unfaithfulness; with being a Jesuit; a Judas; and an evil servant. I have imagined that every one who read the statement in the October 15th Tower would believe I was guilty of writing false and malicious statements to the President of the Society. Of course reputation doesn't mean much, but nevertheless its not pleasant to be accused of unfaithfulness, and I am more than overjoyed to hear that some of you friends believe that I am not as bad as painted.

I haven't any war or quarrel with Brother Rutherford or the Society. Sister Moyle and I are working along with the Milwaukee Company in full harmony with the truth and the Lord's organization. We intend to do so as long as the Lord is using the organization. There is no

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*Defendants' Exhibit U*

question but what the Society is the Lord's organization and that He directs its activities. Nevertheless there are human creatures in charge who have their share of human frailties, and do things not in conformity with the principles of righteousness. To protest against unrighteous acts does not constitute unfaithfulness, and for that reason I do not consider that I have done anything unfaithful. You can tell any of my friends who inquire, that I am just as faithful to the Lord and His organization as ever, and doing what I can to serve Him and the truth.

I understand the story has been circulated in the east that I have been busy circulating a false letter against the judge. That is not true. I have shown copies of my letter to him to a few friends—less than a dozen—and that is all. I don't think I would be doing anything wrong if I did circulate the letter, because I didn't tell him any lies in it, but it wouldn't be good policy and would be conducive towards division and dissension. So Sister Moyle and I have quiet in spite of what the Society has published. But you can't imagine how comforting it is to hear that some of you brethren still have faith in us and do not believe that I am a renegade evil servant.

I often think of you brethren at Plainfield and the good battle you put up against the Philistines of that place. I don't suppose that case against you was ever brought up for trial on appeal. I guess they are glad enough to forget it. Remember me to the friends, especially to Sister Richmond. I'll be glad to hear from you.

Your Brother in Kingdom service,

OLIN R. MOYLE.

1868

*Defendants' Exhibit U*

7218 W. North Avenue
Wauwatosa, Wisconsin
September 1, 1939

Mr. William C. Shook, Jr.
Duluth, Minn. RFD#4, Box 401

Dear Brother Shook:

Your letter of August 16th containing letter from The National Protective Conference has been forwarded to me by the Society.

You no doubt have seen the notice in the September 1st Tower to the effect that my connections with the Society have been severed because of alleged "unfaithfulness." This isn't correct. I made protest to Brother Rutherford against conditions which appeared to me to be unfair and oppressive of the brethren at Bethel. For that I was dismissed from Bethel and charged with being unfaithful. I am still loyal to the Lord and the Society and doing all I can in the Kingdom service.

Therefore I cannot answer you as Society's counselor but as an individual I would state that it would seem advisable to give this organization the information it desires. Some liberty loving organizations of that sort have given us much useful service in cases throughout the country and this organization may be able to assist you.

I am engaged in private practice here and if I can be of any service to you in the case please feel free to call on me. I certainly hope you will be successful in giving them a good battle when it come up on appeal.

Yours in Kingdom service,

OLIN R. MOYLE.

1869

*Defendants' Exhibit U*

7218 W. North Avenue
Wauwatosa, Wisconsin
September 1, 1939

Mr. R. H. Barber,
Genesee, NY

Dear Brother Barber:

I presume you have read in the Sept. 1st Tower the notice alleging my unfaithfulness and severance of relations with the Society. I'm not fighting with the Society about it but I want to let a few friends know that "it ain't so." The facts are that just before vacation I protested to Brother Rutherford against certain acts which to my mind were discriminatory and oppressive against the Bethel family. Immediately after vacation a meeting of the Board of Directors was held and I was given half a day (Moyle family likewise) to pack our goods and get out. I don't consider protesting against wrongful actions of the Society President an act of unfaithfulness, and I am still faithful and loyal to the Society and to the Kingdom.

Therefore some one else will be working with you in connection with the Brown estate. I will miss having the opportunity to see and talk with you occasionally. Will be glad to hear from you at any time.

Yours in Kingdom service,

OLIN R. MOYLE.

1870

*Defendants' Exhibit U*

7218 W. North Avenue
Wauwatosa, Wis.
Sept. 5, 1939

Mr. J. R. Miller,
3011 So. Washington St.,
Englewood, Colo.

Dear Brother Miller:

Your letter of the 27th was forwarded to me at the above address. I am no longer serving as counsel for the Society and that is no doubt the reason you have not heard concerning the publicity campaign for Denver. I am returning your letter and suggest that you write to the Society, addressing your letter to the Legal Desk. Undoubtedly some one there will take care of the matter.

No doubt you have noticed in the Tower ,the notice to the effect that my connections with the Society were severed on account of alleged disloyalty and unfaithfulness on my part. The notice doesn't give the facts. The facts are that I protested to the Society's president against certain acts of his. For making such protest I was summarily dismissed. I am still loyal to the Society and working in harmony with it, but not as counsel. I make this statement so you will not have any misapprehension concerning my position.

I hope that you will be in a position to give publicity to the activities of the enemy in Denver in the very near future. The gang there certainly needs it.

Yours in Kingdom service,

OLIN R. MOYLE.

1871

*Defendants' Exhibit U*

August 28, 1939

Mr. H. L. Philbrick,
Boston, Mass.

Dear Brother Philbrick:

Thanks for your good letter of the 25th. I am glad to have your counsel and advice, even though I don't agree with all of it. It doesn't seem that the Uzzah matter is analogous to the present situation. If there is any comparison with the Old Testament events I think a clearer comparison would be with that of the kings and the prophets. The kings of Israel were God's anointed and had rule over his organization. They committed many wrongful acts and the prophets rebuked them. I haven't tried to have the Society's president removed from office. All I did was to call to his personal attention some actions of his which were oppressive and unfair to his fellow servants. If those holding positions of responsibility in the Lord's organization were perfect men, and had a perfect line of communication with the Lord, there would of course be no necessity for such action. But they are not, and I think there is a responsibility on the part of the individual to protest to the President of the Society when he commits grevious wrongs, just as there is a responsibility on his part to call to the attention of those under him their misdeeds.

Furthermore I believe my letter is bearing good fruit in spite of everything. The Judge has now given the Bethel brethren all day Saturdays off during the hot weather. Furthermore I would be willing to bet ten cents against a

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*Defendants' Exhibit U*

doughnut that there will be little or none table lambastings for the rest of this season at Bethel. For that I am glad.

You will be interested to learn that Woodworth has now entered the arena and sent me a letter in which he "publicly denounces" me and makes an exceedingly vicious, false underhanded attack on me by slurring and misrepresenting and falsifying matters concerning sister Moyle. I understand that is to be published in CONSOLATION in the near future. It looks like an attempt to push us over into the opposition, but by the Lord's grace it will not succeed. We are busy and happy cooperating with the local company in the witness work and shall do our level best to keep our hearts with diligence and keep sweet no matter what comes.

Yours in Kingdom service,

OLIN R. MOYLE.

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7218 W. North Avenue
Wauwatosa, Wisconsin
August 18, 1939

Grover C. Powell
Atlanta, Georgia.

Dear Brother Powell:

You will be surprised to note the change of address as above, unless you have already heard the gory details of our leaving Bethel. Its a sad story, Grover, and rather depressing to write about but in view of the fact that we have worked together so much I'm giving you at least an outline of what has happened.

1873

*Defendants' Exhibit U*

Just before vacation I presented to Bro. Rutherford a letter in which I protested against some of the affairs at Bethel such as, the table trimmings given by him to some of the brethren, discriminations against some and favoritism to himself, exaltation of alcohol and condemnation of total abstainers, use of vulgar and filthy language etc. I also gave notice that I was leaving Sept 1st but immediately after vacation ended the Judge called the Boards of Directors of the two corporations together and I was immediately expelled from Bethel and given half a day to remove my effects. It was quite a task but we made it and are now back in Wisconsin. In addition the Judge pronounced me a fit subject for the evil servant class, denounced me as a religionist, and Heath claimed I was a Jesuit in disguise. So here we are. I am establishing an office here in Wauwatosa and hope to get enough practice to make a living.

And while I am writing this letter I might just as well keep a promise I made to the Judge back in June. I had quite an argument with him the day we called on Liebowitz—you remember the occurrence. For some reason the Judge objected to you assisting me in those Madison Square Garden cases, and Bonnie or Bill Heath had apparently informed him you were going along and assisting. He told me to tell you you were not to go along. I tried to reach you before we got to Liebowitz office but couldn't and you recall you were there ahead of us. Then when I reported back to the Judge he wanted to know why I permitted you to sit in on the conference. I told him I wouldn't insult

1874

*Defendants' Exhibit U*

you by forbidding you to go in with us. We had quite a discussion and he wanted me to inform you that you were to have nothing to do with the cases. I agreed to do so, but overlooked the matter, and it wasn't necessary for you left right at that time. So I have now informed you and my promise is kept. I considered his action rather unjust but of course he is President and it was his responsibility.

I have a suspicion that some reports will be going forth to the effect that we have gone over with the opposition and that we libelled the Judge and the Society. You may receive some such reports in due time. Don't pass judgment too fast. We are loyal to the Lord and the Society and expect to continue in the service here in Milwaukee as fully as time, means and energy will permit. I'm not broadcasting the letter around the country, but if I am misrepresented I shall use it in order to present the facts. If any statements are made to you concerning it and you want to know just what was said, write me and I will send you a copy.

I'll be glad to hear from you any time and hope you will get along successfully in your battle in Georgia. Although I am no longer representing the Society if I can help in any way call on me.

Yours in Kingdom service,

OLIN R. MOYLE.

1875

*Defendants' Exhibit U*

1439 Underwood Avenue
Wauwatosa, Wisconsin
December 20, 1939

Dear Friend:

Since the publication in the October 15th Watch Tower of a statement entitled INFORMATION I have received many requests for copies of my letter to Judge Rutherford. In response to these requests I have sent a statement outline my position. A brother in Cleveland desires that you receive one of these statements and in response to his request it is being enclosed to you.

Should you desire further information I will be glad to hear from you.

Yours in Kingdom service,

OLIN R. MOYLE.

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Shelburne Falls
Main 95 + Ring 2

7218 W. North Avenue
Wauwatosa, Wisconsin
August 28, 1939

Mr. H. L. Philbrick,
Boston, Mass.

Dear Brother Philbrick:

RE: DEERFIELD FLAG CASE.

I am probably butting in on something which may not be a concern of mine, in writing you concerning the above matter, but it appears that an emergency has arisen which needs attention,

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*Defendants' Exhibit U*

and I am vitally interested in the success of that case, so here goes.

Prof. Gardner has kept me informed concerning the progress of this case since I left Bethel. Mr. Post, another able attorney, has been doing most of the work on the case since I left with the cooperation and assistance of Mr. Gardner. Mr. Gardner writes that the Society has paid Mr. Post $200.00 for his labors but at present it does not seem disposed to pay for the printing of the brief which they have prepared for the Supreme Judicial Court. Gardner says, "As nearly as I can judge the national organization is washing its hands of the Deerfield situation which rather puts it up to Mr. Miller (John G. Miller, Shelburne Falls) and myself."

It would be a calamity for that case to be left hanging in mid air. Gardner has been a prince in his actions in the case. He has done much office work, paid his way out to Greenfield, Mass several times and assisted in arguing the case, and it would be a lousy shame for him to be left carrying the brunt of the matter. I don't think the local company can finance the matter, so I am putting it up to you. You or Brother Oram or the Zone servants or some one should take it up with the companies and see that some money is raised for printing and any other expenses that come up. Further couldn't you get in contact with Gardner —— Prof. George K. Gardner, Langdell Hall, Cambridge —— and assure him that Jehovah's witnesses of Massachusetts are backing him in the matter.

Please bear in mind in this letter I am not trying to again assume the status of counselor. I am writing as one of the Lord's people to an-

1877

*Defendants' Exhibit U*

other pointing out a place where cooperation and assistance is needed in the battle. I hope you can see your way clear to help. Am sending copy of this letter to Brother Miller.

Yours in Kingdom service,

OLIN R. MOYLE

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August 31, 1939

Mr. R. O. Moyle
7218 W. North Avenue
Wauwat, Wisconsin

Dear Brother Moyle:

I was glad to get your letter and I want to thank you for your willingness to cooperate with me in the Kingdom School matters.

We moved from Paterson to Lakewood August 14. The landlord there, Mr. Efros, has furnished everything we asked him for. The Friends have done splendidly in getting the place clean and in good condition for school activities. We have 22 bedrooms at our disposal fully equipped with running water, etc. The Lakewood Kingdom Hall is entirely separate from the school room, which makes it a much better set-up than we had in Paterson.

Our negotiations with the Paterson landlady, Miss Donnley, has not been settled as yet. I believe she will accept another month's rent, as you suggested, and sign a release.

We have not set a date for opening the school as yet. I hope to have some definite information in a few days.

I am happy to know that you all intend to con-

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*Defendants' Exhibit U*

tinue serving the Lord as much as your means and energy will allow. I have had a number of severe jolts during my Christian experience. I thank the good Lord for every one of them. The Apostle Paul reminds us that these experiences will be a little grevious at the time we receive them but if we re-act properly, then they will yield the peacible fruits of righteousness.

We know that the Lord has a visible organization on the earth. This organization is composed of imperfect creatures. However, it pleases the Lord to use such to carry out His purposes on the earth. I, therefore, as a Christian, intend, by God's grace, to keep the issue clear in mind rather than the imperfections of my brethren. My earnest prayer is that by God's grace I may have a share in this great work of carrying out the will of the Almighty while it is yet day because we know the night cometh when no man can work.

Please remember me to Sister Moele and Peter.

I am Your Brother and Servant By His Grace,

H. L. PARKHURST

HLP:NS

*Defendants' Exhibit U*

OLIN R. MOYLE Counselor
117 Adams Street . Brooklyn . New York
Telephone TRiangle 5-1474

Chilson, N.Y.
(Eagle Lake,)
July 28, 1939

Mr. H. L. Philbrick,
Boston, Mass.

Dear Brother Philbrick:

Thanks for your very good letter of the 26th. I received a letter from Brother Anderson and the Sudbury parents today and have answered it. It is clear that Mitchell is bent on dictating and running school affairs according to his own notion, and therefore the best thing for the brethren to do is to let him and those who follow his leading assume full responsibility and educate their children without assistance from the brethren. I have advised the Sudbury brethren to go ahead and conduct their own school and leave the Lynn crowd to go their own way. Bro. Anderson will no doubt show you the letter I sent to him.

It is difficult for one on the outside to appreciate the conditions existing at Bethel. An honest facing of the facts,—and facts are difficult to face—leads to the inescapable conclusion that a dictatorship exists there. There is no freedom of speech, or even freedom of conscience at Bethel. That is sad but true.

I have not wavered one inch in my allegiance to the Lord and His organization. He permits these things to continue for some good reason and will undoubtedly clean them out when in His



*Defendants' Exhibit U*

good pleasure he deems it necessary. Nevertheless we have a responsibility to protest over wrongful conditions and that is why we are leaving the place. I have no personal controversy with Brother Rutherford, and am glad that I have not.

At present it is practically impossible to discuss a controversial matter—and conditions at Bethel constitute a controversial matter—with him face to face. In my letter of resignation to him I told him that a discussion on such topics was not a calm and reasoned discussion but turned into a denunciation with him dominating the scene. That is the reason why I gave him my resignation in writing with reasons, so that he would have time to calmly consider the matter.

It is depressing and hard on the nerves to even write concerning the matter. To go thru it is ten times worse. Therefore we are hoping that we can still serve the Lord back in Wisconsin free from oppression and injustice.

Yours in Kingdom service,

OLIN R. MOYLE



*Defendants' Exhibit U*

OLIN R. MOYLE Counselor
117 Adams Street . Brooklyn . New York
Telephone TRiangle 5-1474

Chilson, N. Y.
July 25, 1939

Dear Brother Philbrick:

I was up at Greenfield, Mass. last week on the Johnson case and had a talk with Brother B. A. Anderson about the school matters. B. A. is of the opinion that Oram is nothing but a stooge for Mitchell and that Mitchell will be directing the affairs etc. In all probability the matter is going to be messed up considerably, and there will not be a bona fide effort on the part of Mitchell and his crowd to comply with the conditions specified for securing the aid of the brethren. If the Lynn and Saugus group want to operate in that manner that is their privilege of course, but their actions should not be permitted to interfere with the others. You will need to act so that the Sudbury school will not be jeopardized.

I think it would be well for you to keep in close touch with Brother Judson and he in turn, as an individual, can keep in close touch with the companies in the zone. The companies should be informed of the conditions requiring their aid and if the Mitchell group does not act squarely and honestly aid should be refused to them. Then under such circumstances it would certainly be proper for the Sudbury parents to act on their own initiative and present their needs to the companies. In all probability the



*Defendants' Exhibit U*

brethren where Johnson lives will take the matter up with the companies in that zone.

It is unfortunate that this matter will be jumbled up in this fashion but I don't see any escape from it under the circumstances.

Here is another matter which will undoubtedly be more or less of a surprise to you. Just before leaving on vacation I presented my resignation to the Society's president to take effect September 1st. I did so as a protest against the unjust conditions existing at Bethel. I expect to go back to Wisconsin and open up an office for the practice of law again. You are familiar with some of the conditions existing at Bethel and therefore know the need of a protest. My resignation is a long story and I haven't the disposition or the energy to write the details this morning.

If you write to me during vacation use address below.

In Kingdom service,

O. R. MOYLE

Chilson, New York
General Delivery



*Defendants' Exhibit U*

7218 W. North Avenue
Wauwatosa, Wisconsin

August 15, 1939

Mr. H. L. Philbrick,
Boston, Mass.

Dear Brother Philbrick:

Ill news travels fast so I presume you have heard that we were expelled from Bethel last Tuesday. The facts are as follows: Tuesday morning the Judge called a special meeting of the Boards of Directors of the two corporations. At this meeting the letter which I sent to him was read and the Judge asked the members of the Board for their advice. A Committee was appointed which deliberated for a few minutes and came back with the recommendation that I be expelled from Bethel immediately. This was done. The letter was read to the family at noon and we—*self*, Sister Moyle and son Peter—were ordered to pack up and be out of Bethel before night. That was a large order but with energetic industry we accomplished it. In addition the Judge consigned me to the evil servant class, said I was a religionist and one other charged me with being a Jesuit. This is not a joke. The charge was made seriously. All of this because I protested vigorously against some unjust personal actions on the part of the President of the Society.

The serious part of the affair is that it demonstrates a philosophy held by the president of the Society and his associates to the effect that no person is permitted to criticise even personal



*Defendants' Exhibit U*

actions of said president. Such criticism, even though true, is held to violate the Lord's theocratic arrangement. I don't think the Lord has endowed any imperfect mortal with such a high and exalted situation and the doctrine may lead to serious and dangerous results.

It wasn't very pleasant to be ousted in such fashion, but we are not complaining. We shall continue to serve the Lord as far as strength and means will allow us. The Judge said as far as he was able to prevent it I would not be permitted to represent any of the brethren in court. I have hopes however that the Lord will give me some service of that kind.

There were several letters from Bro. Oram on the desk the day we were ousted. I had read them thru but didn't have time to answer them. It appears that Mitchell has found out that he is not going to have the cooperation of the brethren in the school affairs, and therefore ate humble pie and went thru some sort of an apology to Oram and some of the rest of the parents. I didn't have time to give Oram any advice on the matter and of course am not giving any advice now, unless I am asked for it. However, in the school matters I was specifically instructed to act as an individual and not as a representative of the Society so if any of the parents or brethren want information or advice on that subject I will be glad to assist in any way possible.

I am not sending any copies of my letter to friends in general for the reason that such action would be misconstrued as an attempt to create division in the organization. Neverthe-

1885

*Defendants' Exhibit U*

less I shall use it to defend myself against misrepresentation. Stories are already starting to circulate and I have no doubt there will be many going the rounds. The day after we were ousted I was politely informed that I had advised the parents in Massachusetts it would be all right to send their expelled children to a military school. Such statement is of course completely false, and apparently is a forerunner of others to come. So if at any time you desire to see a copy of the letter to JFR in order that you may know the exact facts, please advise and I'll send you one.

Just at present I am getting ready to open an office in this town. Peter is looking for a job as a linotype operator, and Sister Moyle is arranging for our living quarters. Some of the friends here have given us a friendly welcome and I think we'll get along.

I will be glad to hear from you from time to time, and will be especially interested to learn how the school matters come along.

Yours in Kingdom service,

OLIN R. MOYLE

1886

*Defendants' Exhibit U*

7218 W. North Avenue,
Wauwatosa, Wisconsin.
August 17, 1939

Mr. Harry L. Parkhurst,
Verona, New Jersey.

Dear Brother Parkhurst:

When I talked with you at Nutley a little over a week ago I didn't realize that within twenty four hours I would be expelled from Bethel. I presume you have heard some of the gory details and it may be that you have been informed that Moyle has gone with the opposition or the evil servant class. That story is being circulated and like some other things of this earth it is not the truth.

Just before going on vacation I wrote a personal letter to Brother Rutherford protesting against some of the unfair actions at Bethel. Some of the things protested were his scoldings of the brethren from time to time; the discrimination against some of the brethren; the glorification given to alcohol, and the scorn and taunts heaped upon total abstainers at Bethel etc. All of the things stated were true, and the letter was not published to anyone else up to that time, yet nevertheless I was kicked out and given only half a day to collect my goods and be out.

I'm not complaining about it. We intend to continue serving the Lord just as much as our means and energy will allow. I value the good opinion of you brethren in New Jersey and trust that you will secure all the facts before passing judgment against us. If you receive any reports concerning this letter and want to know what it

1887

*Defendants' Exhibit U*

actually stated, ask Sister Vann Ness to see it. She has a copy.

With reference to the Kingdom School I am glad to assist or advise you at any time. I was acting solely as an individual and not as a Society representative in the School matters so if you want to write to me at any time I will be more than glad to assist you in any way possible. You have a big problem in the school matter and I hope everything will go all right. I will be interested in learning how you come out with your negotiations over the rent and lease of the Paterson place.

Yours in Kingdom service,

OLIN R. MOYLE.

1888

**Defendants' Exhibit V**

Send your photo
with this questionaire

DISCHARGED BY THE SOCIETY FOR HAVING JOINED THE EVIL SERVANT TUESDAY, AUGUST 8, 1939.

QUESTIONNAIRE

The undersigned desires to become a member of the Bethel Family and to enter the service of the Watch Tower Bible & Tract Society at Brooklyn, N. Y., and for this purpose makes truthful answers to the following questions:

1 Name Olin R. Moyle

2 Complete address Union Grove, Wisconsin

3 Single or Married? Married Age 45 Height 5 ft 6½ in Weight 140 White or Colored White

4 Are you physically and mentally strong? Yes

5 Have you any person dependent upon you for support? Yes. Wife and one son, age 17 years.

6 Are you wholly consecrated to the Lord? Yes

7 Are the Lord and his kingdom of greatest importance to you? Most emphatically yes.

8 Are you in complete harmony with present truth and the Society's work? Yes

1889

*Defendants' Exhibit V*

9 What language do you speak and write? English

10 What particular work are you qualified to do? Legal work

11 In what business are you now engaged? Attorney at law.

12 Have you any means of support? Income from my law practice is all

13 Can you pay your way from your home to Brooklyn? Yes

14 If you enter the service of the Society and the Bethel Home, will you willingly conform to all the rules and regulations of the Office and Home? Yes

15 If the Lord opens the way for you to enter the service at Bethel, will you remain faithfully at such post of duty until the Lord takes you away? Yes

Date January 2, 1933

O. R. MOYLE
Signature of Applicant

Applications for service are filed without acknowledgement unless such is requested. Notice of acceptance will be sent to the applicant when a position is open in which his or her services can be utilized. Kindly notify the President's Office of any change in your address as given above.

1890

**Defendants' Exhibit W**

January 8, 1940

To: Members of Watchtower Bible &
Tract Society, Inc.
124 Columbia Heights,
Brooklyn, New York.

Dear Brethren:

I have received notice that at the annual meeting of the corporation a motion will be introduced asking for the removal of my name as a member for the reason as alleged that I have "assumed a position in opposition to the Society's policy." I am not greatly concerned about retaining membership in the corporation. Neither will I be fatally injured through dismissal on a false charge. But for your own welfare I am taking this opportunity to review the facts and present argument against the motion.

STATEMENT OF FACTS.

On July 21st last I sent a letter of resignation as counselor to the President of the Society. As reasons for such resignation I stated it was a protest against certain conditions at Bethel, chief of which were the following:

1. The frequent scoldings and upbraidings given Bethel brethren by the Society's President.

2. Discrimination by the President against his brethren in favor of himself in the matter of comforts and conveniences. NOTE: I did not

object to Brother Rutherford having comforts and conveniences. The point made was that if he had them, his brethren should also have comforts and conveniences. I referred specifically to the conditions at the Kingdom Farm. The remedy would consist in giving comforts to them, not in removing them from the President.

3. Undue exaltation of the use of alcohol at Bethel.

4. Over indulgence in vulgar and smutty language at Bethel.

As a result of this letter, on August 8th I was expelled from Bethel, branded a religionist, a murmurer and complainer, a Judas, a Jesuit, and fit only for second death. Shortly thereafter an interdict was issued barring members of the Bethel family from communicating with me in any way.

On August 15th C. J. Woodworth wrote a letter to me termed a "public denunciation" in which he admitted the truth of the major portion of my letter to Brother Rutherford, and attempted to justify his scoldings and discrimination.

On September 1st the Watch Tower contained a notice that my services as counselor were terminated because of alleged unfaithfulness to Kingdom interests and to the brethren.

On September 24th M. A. Howlett came to Milwaukee as a Society representative and denounced me from the platform, claiming that I was stirring up division and dissension among the companies.



The September 15th Watch Tower contained a statement entitled INFORMATION, signed by the Board of Directors and approved by the President, which among other things alleged that every paragraph except the first of my letter to Brother Rutherford was false, and that I was going among the companies reading the letter to them and stirring up dissension and division.

Early in September one LeRoy B. Jackson of Racine wrote a letter to the Society alleging that Harvey Fink and myself were going among the companies, reading my letter to Judge Rutherford, making statements concerning the same, and thereby stirring up strife and division. Jackson's letter was false and proof of its falsity was given to the Society. Nevertheless Brother Fink, in spite of many years of faithful service to the Lord and his organization, was summarily removed from office.

Later two pioneers Leland and Laura Rouse were denied pioneer privileges solely because they endeavored to give the facts to the brethren in their area.

The November 15th Watch Tower in its leading article "Snares" alleges that I have assaulted the organization with evil and false words and that I was unfaithful in the handling of cases for the brethren.

While all this publicity and agitation has been conducted by the Society, I have quietly attended to my own affairs. I have participated in Kingdom activities with the Milwaukee Company and have not engaged in any propaganda work against the Society or opposed it in any way.



DISCUSSION

POINT ONE: I AM NOT GUILTY OF THE OFFENSES ALLEGED.

It is alleged that my letter to Brother Rutherford is entirely false, except the first paragraph. Of the ten men who have signed the statement called INFORMATION a number have at different times privately admitted and deplored the scoldings and discrimination exercised by the Society's President. C. J. Woodworth made a great tactical error in signing his name to a letter admitting the truth of the major portion of my letter, and then later signing a statement alleging that the letter was entirely false, with the exception of the first paragraph. Woodworth thus exposed the prevarications of the entire Board of Directors. With one breath he says that Moyle told the truth, but that Judge Rutherford had the right to lambaste his brethren. Then he stated that Moyle lied in everything. This would be funny if it were not so revolting to see men in responsible positions in the Lord's organization use such tactics.

The claim that I have caused my letter to be publicly read and circulated among various companies is absolutely false. An honest investigation would readily prove that fact. The men who signed this statement cannot produce a single company of Jehovah's witnesses where I have caused the letter to be publicly read and circulated.

The allegation of unfaithfulness in the handling of cases for the brethren is a new one incubated and brought forward since I protested



against Brother Rutherford's wrongful acts. I deny that charge. The facts are that I worked days, nights and Sundays in the battle to maintain our right to preach the gospel. I labored diligently against unprincipled judges, prosecutors, and police officers. Because I pushed these cases vigorously I have been accused by some of these judges of violating legal ethics, and have been threatened with contempt of court, and disbarment. I have on hand many letters from the Society's President in which he commends me for my zeal and earnestness in handling cases of the brethren. This false charge is just another attempt to cover up Judge Rutherford's wrongful acts thru discrediting me.

POINT TWO: I HAVE NOT ASSUMED A POSITION OF OPPOSITION TO THE SOCIETY'S POLICY.

My letter to the President was not an act of disloyalty or of opposition. It was a protest against wrongful acts by the chief executive of the organization. The Society's President claims that I have no right to write such a letter even though it be true. Such claim is false. The course I followed was in full accord with Society policy and the Scriptures. I went to him with a private communication to show him the error of his actions. Sister Moyle and myself were the only ones seeing that letter prior to our excommunication from Bethel. The Society's president has caused it to be exhibited to a dozen times as many people as I have.

Since leaving Bethel I have followed a course of action fully in harmony with Society policy.



I have been misrepresented and lied about but have kept quiet and attended to my own affairs. It is strange that the Board of Directors and the President will lose their eyes and refuse to accept any evidence that I am behaving decently. It is strange that they will accept the false, libelous statement of Jackson and publish it as the truth, but refuse to accept and publish the facts. Doesn't this indicate a pernicious desire to convince all people that I'm an evil servant.

Publication of the so-called INFORMATION in the October 15th Tower opened the door to many opportunities to show disloyalty. I received letters from all parts of the United States and Canada and from England inquiring about the matter. Many from opposition groups wrote in asking for a copy of the letter to Judge Rutherford. None received it, and I cite a portion of my reply to one such letter which gives evidence of my position:

> "If Russell Pollock wants to see me on a legal or business matter I will be glad to see him, but frankly I am not the least interested if it is his purpose to secure my cooperation with any movement or organization not in harmony with the Watch Tower. I am still a part of the Society; not opposing it in any way, and actively working in its interests. Therefore I do not care to attend the meeting you mention nor confer with any person on matters not in harmony with the Truth. I have no doubt but what your motives are of the best and appreciate the interest you take in me and Sister Moyle, but let it be understood clearly and unequivocally that we do not want anything to do with any so-called opposition movement or meetings."

Why not be fair and open minded and consider evidence and facts in this matter.



POINT THREE: THE PRESIDENT AND BOARD OF DIRECTORS HAVE IN THIS CASE ASSUMED AN ATTITUDE OF OPPOSITION TO SOCIETY POLICY.

It has ever been the policy of the Society to publish Truth; follow principles of righteousness and justice as set forth in God's word, the Bible, and to deal honestly, fairly and decently with all men. I submit that the President and the Board of Directors have departed from this policy in the following particulars.

First: My expulsion and the following interdict was wrongful. The evidence is conclusive that I was expelled because I told Brother Rutherford some unpleasant truths about his actions. The expulsion was an act of revenge and contrary to every Christian principle.

Second: The Board of Director's statement in the October 15th Tower was an offense against truth and decency. No amount of words could justify the upbraidings and revilings given to Bethel brethren by the Society's President. The only recourse left open was to condemn my letter as entirely false. Men who have privately admitted such acts then signed a statement which they knew to be false.

*Defendants' Exhibit W*

Third: Howlett's activities in this area were pernicious and wrongful. Howlett appeared here as the Society's representative. He exploited and published the false statement of the Board of Directors. He added some false items of his own, one of them being that the reason Moyle had written his letter was that "the Judge had given Moyle a trimming and Moyle couldn't take it." That was a lie out of whole cloth. Howlett made no honest investigation to determine facts but circulated and published falsehoods to further bring my name and reputation into disrepute.

Fourth: The use of the October 15th and November 15th Watch Towers for the purposes of controversy and personality are contrary to Society policy. The Watch Tower masthead carries this statement: "It does not indulge in controversy, and its columns are not open to personalities." These two issues are clearly contrary to Society policy.

Therefore if you are taking action against those assuming a position of opposition to Society policy there is room to begin at home.

CONCLUSION

This business of spreading falsehood and slander about one man to the far corners of the earth, and of presumptuously running ahead of the Lord to adjudicate a position for me in Gehenna is amazing and shocking. All of it has been done with the approval and direction of the Society's President. It looks to me as though Brother Rutherford was frightened for



*Defendants' Exhibit W*

fear that I would publish and circulate the facts concerning his unbridled use of the tongue and therefore used the Society's facilities in a smear campaign to destroy my reputation completely so that none would believe anything I say. He could have saved his efforts for I have not done any such publishing and do not intend to.

It makes little difference to me whether my name is stricken from the membership roll of the corporation, but it may make a great deal of difference to you who act on the motion. You have it in your hands to decide whether this campaign of hate and falsehood against myself shall continue. You have the power to decide whether a few men at Brooklyn shall continue to use God given facilities for malicious and evil purposes. It will take courage for you to act justly and wisely in this matter. Your responsibility is not to me, but to Almighty God, whom you have covenanted to obey. The seeds you are sowing today will bring forth their fruitage in the Lord's due time.

May you follow the guidance of the Lord, and have the courage to do His bidding is the best I can wish for you at this time.

Your Brother in His service,

OLIN R. MOYLE



**Defendants' Exhibit X**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

Feb. 1, 1940

Fred and Jessie Aebly,
Waukegan, Ill.

Dear Fred and Jessie:

Yours of the 24th received. You have entirely missed the point of my request for an explanation. If you with sublime ignorance of the situation at Bethel and the facts in the case want to decide that I have committed an offense in giving reasons to Judge Rutherford for leaving Bethel, that is your privilege and I have no argument with you over it. No human creature has yet been placed on such a high and exalted plane that one cannot call attention to such of wrongful acts, but if you want to think otherwise you of course have the right to do so.

The point of my argument is this: You with others sign a statement falsely accusing me of sending letters throughout your area. If there was any circulation in your area you are the one that did it for I did not send any copies down there other than the one I loaned to you on request. Now you attempt to justify yourself by stating I circulated it elsewhere without request. The stories of widespread circulation of this letter are exceedingly mysterious and I would like very much to know the names of those to whom I have sent it without request.

Defense of one's good name against wrongful



*Defendants' Exhibit X*

charge is not self justification, or at least not a wrongful self justification. Its on a par with self defense of person or property which is upheld by the Scriptures. But you to justify yourselves have resorted to falsehood and false charges.

I can't believe that the Lord approves of such action.

Yours in Kingdom service,

OLIN R. MOYLE.

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OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

January 8, 1940

Fred & Jessie Aebly,
Waukegan, Ill.

Dear Fred and Jessie:

I haven't had the courtesy of a reply to my letter of December 30th.

One of the very amazing circumstances in connection with this whole business is the fact that many brethren are absolutely indifferent to facts and truth in this campaign against yours truly. Let me give you a couple of examples.

The statement called INFORMATION in the October 15th WATCHTOWER alleged that every paragraph of my letter to Judge Rutherford except the first was false and full of lies. Shortly before this letter appeared one of the directors who signed it wrote to me, admitted the major portion of my letter to be true, and attempted to justify Brother Rutherford's scolding of his



*Defendants' Exhibit X*

brethren and discrimination against them. Later he signed his name to the statement that the whole letter was false. He lied in one of those letters didn't he?

This so-called INFORMATION further alleged that I was going about among the companies circulating and publicly reading the letter and causing division among the companies. LeRoy Jackson of Racine had written in stating Harvey Fink and I were engaged in that practice. His letter was false and proof of its falsity was submitted to the Society. Nevertheless neither the Society or Jackson have made any corrections.

Howlett also did his little bit. At some places in his journey thru this area he told the brethren that the reason Moyle had written his letter to the Judge was that the Judge had given Moyle a trimming and Moyle couldn't take it. This was absolutely false, and apparently put forward to show a motive for wrong doing on my part.

And then comes the Tower with the letter from Waukegan signed you you two and a number of others. That doesn't conform to the facts, does it? It may be that you have an explanation to give. If so, shouldn't you give it as a matter of fairness to yourself and to us?

In all this campaign of smearing we are learning who are friends and who are not. I do not mean to infer that every person who thinks I did wrong is not a friend. One dear old sister in a neighboring town told me that she was sorry I had left the Truth. No amount of explanation on my part would persuade her otherwise. In view of all the stuff that she has read in the



*Defendants' Exhibit Y*

Tower she could not be blamed for so thinking. I still consider her my friend in spite of her opinion of me. But, some for various reasons have joined the campaign and added their own pieces of misinformation to the others. That is certainly not friendship, or even decency.

We thot you two were friends and you can't imagine how distressing it is to find we were mistaken.

Yours in Kingdom service,

OLIN R. MOYLE.

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**Defendants' Exhibit Y**

OLIN R. MOYLE — Counselor
117 Adams Street . Brooklyn . New York
Telephone — TRiangle 5-1474

Chilson, N. Y.
July 29, 1939

Mr. John G. Miller,
Sladburne Falls, NY

Dear Brother Miller:

Thanks for the bundle of clippings which reached here the other day. We are camped on the bank of Eagle Lake, which is one of the beauty spots of the Adirondacks. Its a lovely place, nice and cool, and we are getting a much needed rest. There are five of us here. Three from Philadelphia and the wife and myself. Peter is still back in Brooklyn but may be up this coming week.

I have mentioned coming to your place at the tail end of the vacation and the proposal meets

1903

*Defendants' Exhibit Y*

with approval. But before you say yest to the bunch coming, please consider carefully the consequences. There will be at least four of us, Bro. and Sister Confehr and the Moyles. One of the Philadelphia group is returning today or tomorrow. In addition Peter may be here and come with us, and there is a bare possibility that his girl friend may be along. She is a quiet little Polish sister from Queens. There is a lot of difference between a whole bunch coming in and one or two of us, and if you or Sister Miller feel that is too many, please say so frankly and that will be all right with us. We have a couple of cots along which will help out for sleeping purposes. If you can stand it to have a bunch of us drop in we will hit your place some time Friday afternoon and will be pulling out Saturday. Address me as follows:

Chilson, New York
(Eagle Lake)

Here is some more information which will be somewhat of a surprise to you. You have been at Bethel and know something of the conditions there. Whether they were as bad or worse at the time you were there, I do not know. They are bad enough now. JFR has been on the war path this summer and frankly speaking, there is a great deal of injustice. Table trimmings have been plentiful and a lot of other things occur which should not have a place in the Lord's organization. The Lord permits, it, I presume for a good purpose, but I have felt for a long time that a good protest should be made. So we made it just before leaving for vacation. I sent the judge a letter of about five pages giving my resignation as general counsel to take effect Sep-

1904

*Defendants' Exhibit Y*

tember 1st. In that letter I protested against the unjust happenings at Bethel and urged him to remedy the conditions at Bethel. I expect to go back to Wisconsin and hang out my shingele again for the private practice of law. Whether the judge will use me any further in the cases now pending, I do not know. The extent of participation in the court battles of course depends upon what he says.

This doesn't mean that I have left the truth or am leaving the truth, although I am aware that many will consider that to be the case. At Bethel it is generally considered that anyone leaving there has become a heretic. Nevertheless I still believe the Society is the Lord's organization and that he is using the judge greatly at this time. I haven't had any personal setto with the judge and am only protesting and leaving with the hope that the protest will thus be forceful enough to cause him to think and remedy the conditions, so that the brethren at Bethel can have some degree of freedom from restraint and comfort during their busy days there.

Just where this will leave me as far as the cases of the Johnson children is likewise still to be determined. Mails travel a long ways, and the trains run from Wisconsin into Massachusetts the same as from New York, so if the judge says to continue on the case you will be hearing regularly just the same.

Well I guess this is enough for this letter. If all is well we will see you at the end of the week, but if the crowd is too much or would in any way inconvenience you please say so freely.

Yours in kingdom service,

OLIN R. MOYLE.

1905

**Defendants' Exhibit Z**

Jul 22 Rec'd

Olin R. Moyle
Attorney At Law
1439 Underwood Ave.
Wauwatosa, Wis.

July 20, 1940

Dear Brother:

If a person is falsely charged with causing dissension, slandering the brethren, and being unfaithful to the Kingdom interests, is it wrongful for him to present facts establishing his innocence? For almost a year the Society has conducted a campaign against me, and it now appears advisable to let a few friends know the truth. Will you therefore be kind enough to read this letter in entirety?

On July 21, 1939 I sent a letter to Judge Rutherford resigning my position as Counselor for the Society. As reasons for such resignation I stated it was a protest against certain conditions at Bethel, chief of which were the following:

1. Frequent scoldings and upbraidings given brethren by the Society's president.

2. Discrimination by the president against the brethren in favor of himself in the matters of comforts and conveniences.

3. Undue glorification of the use of alcohol at Bethel.

4. Over indulgence in vulgar and ~~smutty language~~ at Bethel.

The statements in the letter were FACTS, but nevertheless I was promptly expelled from

1906

*Defendants' Exhibit Z*

Bethel, labelled a Judas and an evil servant, charged with committing an assault upon the Society, and with causing division and dissension among the brethren. Although the Board of Directors signed a statement alleging my letter to be entirely false, the truthfulness of the major portion of it was admitted by one of the Directors, C. J. Woodworth, in a previous letter in which he attempted to justify the lambastings and discrimination exercised by the Society's President.

I returned to Wisconsin, opened an office for the practice of law, but have not been permitted to dwell in peace. The Tower in issue after issue has published letters and statements intimating that I am busy circulating false statements among the brethren in Chicago, Aurora, Rockford, Kankakee, Waukegan, and other places. THE FACTS ARE THAT I HAVE NOT BEEN NEAR THOSE PLACES AND HAVE CIRCULATED NOTHING IN THEM. The Society publishes only its side of the controversy, and I submit that even if I had circulated copies of the letter it would have been a matter of justifiable defense against false accusations. In due time under orders from the Society's president I was excommunicated from the Milwaukee Company without presentation of charges, or hearing, or any opportunity to be heard.

How can we escape the conclusion, that while pouring out much condemnation on religion, the Society is guilty of indulging in the worst kind of false religious practice, towit, that of persecuting one who told the Society's president some unpleasant truths about his actions. Judge

1907

*Defendants' Exhibit Z*

Rutherford claimed that I had no right to protest to him or criticize him, even though such protest or criticism be the truth. In other words his position is so lofty as to give him immunity from the commission of the most wrongful of acts. Isn't that placing himself and the organization above the laws of God? What difference is there between such a theory and the teachings of the Roman Catholic Church.

The record in this case proves that the Society has departed from the straight and narrow course of righteousness, and has committed itself to a course of action and policy which provides

> THAT ONE WHO PRIVATELY PROTESTS TO THE SOCIETY'S PRESIDENT AGAINST WRONGFUL ACTS COMMITTED BY HIM SHALL THEREBY BE EXCOMMUNICATED FROM THE ORGANIZATION; DECLARED TO BE AN EVIL SERVANT, A JUDAS AND ONE FIT ONLY FOR SECOND DEATH; FALSELY CHARGED WITH THE COMMISSION OF WRONGFUL ACTS; PROHIBITED FROM ENGAGING IN KINGDOM WORK WITH HIS BRETHREN; AND INTERDICTED FROM FELLOWSHIP WITH HIS BRETHREN IN THE COMPLAINT OF JEHOVAH'S WITNESSES.

This is something to think about. Can such policy and course of action be justified under the laws of Almighty God? Isn't it a blasphemy to claim that God's "Theocracy" would be guilty of such tactics? Do they not manifest the fact that Satan has been "horning in" on the management of the Society and that the

1908

*Defendants' Exhibit Z*

Lord has permitted it in order to test his people as to whether they would permit a man or an organization to come ahead of Jehovah God? And while on the subject there are other matters for consideration such as: The throttling of Bible study among the companies: The regimentation of the brethren thru coercion in hours and service: The harsh and unScriptural teaching that those who do not accept the message now will be eternally lost: The denial of the doctrine of restitution. And the imposition of a spirit of fear and restraint among the brethren.

We left a denominational church in order that we might be out in the liberty wherewith Christ makes us free. Where are we now? Are the Lord's people in the process of being ensnared by a more subtle hierarchy? That is a question that requires the most careful consideration by all of Jehovah's witnesses.

Yours in the service of the Most High,

OLIN R. MOYLE.

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[Envelope postmarked Milwaukee, Wis., July 27, 1940 5 P. M.]:

OLIN R. MOYLE Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.

Mr. Clarence Scott, Esq.
Old Town, Maine

**Defendants' Exhibit D-1**

OLIN R. MOYLE Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone BLuemound 5856

Jan. 5, 1940

Mr. R. H. Barber,
1265 W. Genesee St.,
Syracuse, N.Y.

Dear Brother Barber:

Your good and comforting letter of September 6th deserved much prompter treatment than it has received. The long silence following it does not indicate that its contents were not appreciated or followed. On receipt of it I waited for a while to see developments. And developments surely did come. You have read much of them in the Tower. Much more than the Tower accounts have taken place, and I have been amazed and have sometimes wondered what it is all about.

I have followed your good advice in large measure. I have not discussed the matter except with a few personal friends, and, reports to the contrary notwithstanding, I have not been circulating and publishing the letter to JFR. The readiness with which some brethren have signed false statements concerning such circulation is astounding. I wouldn't have believed it possible some months ago. As far as the local company is concerned with the exception of a few friends the entire company is ignorant of what happened, except the Society's side of the story. In spite of the fact that we have kept still and



*Defendants' Exhibit D-1*

attended strictly to Kingdom business the thing is fermenting and boiling underneath, and I fear some day will break forth in to an eruption. The cause will be the continuous bringing up of the matter in the Tower thru its articles and letters sent it.

This constant bombardment from the Tower is slowly but surely breaking down Sister Moyle's nerves and health. She is a good soldier and stands it well. I tell her sometimes that we haven't quite had everything handed to us that Job did but that we are well on our way. It's very difficult to stand by under this devilish treatment without hauling off and swatting some one in return.

It is also difficult to look at the affair from an entirely dispassionate attitude because I am the one involved. I have tried to do that however and believe I have succeeded fairly well. To date there are certain findings which cannot be refuted, to wit:

1. The President and Board of Directors have resorted to falsehood and villification in response to honest criticism.

2. The President and Board of Directors have run ahead of the Lord to adjudicate second death for an honest critic.

3. The Watch Tower contrary to its declared policy is used for purposes of controversy and personality.

4. The principle is put in effect, if not in actual words, that the President or the Society must not be criticised even though their acts be wrongful.



*Defendants' Exhibit D-1*

Some more could be added but is is enough for now. In spite of all this I am still convinced that the Lord is using the Society as His channel for the dissemination of truth. I cannot see that he will continue to use the organization of this kind of business continues, but its His organization and I am confident He will either clean it out or guide us in the proper way to go. And in the meantime Sister Moyle and I will continue to do our bit in preaching the Kingdom message as we have opportunity.

The next step of this inquisition is to kick me out of the Watchtower Bible & Tract Society, Inc. (formerly the Peoples Pulpit Association). I have received notice that a motion will be introduced at the annual meeting to cancel my membership because I am supposed to have taken a position of "opposition to Society policy." If memory serves me correct you are likewise a member of that corporation, and I am therefore sending you a copy of the statement I have prepared in answer to the charges. If you are not a member you can read it anyway. Don't think because I have this copy made with a duplicating machine that I am broadcasting it generally. I am sending the original to the Secretary, and I am likewise sending copies to the members of the Board of Directors who signed the statement called Information which appeared in the October 15th Tower. I may send a copy to one or two other members of the former PPA.

Well I guess this is enough of the doleful tale. Let me state again Brother Barber that we appreciated your comforting letter much more than the long delay in replying would indicate. I will



*Defendants' Exhibit D-2*

be glad to hear from you again. I hope that Sister Barber is improving in health and that you are likewise busy and happy as usual in the King's business. I was glad to hear that you were re-instated at Company Servant, but frankly I don't think that was a real vindication. There should have been in addition an apology from the Society's President for his part in the matter.

Yours still in Kingdom service,

Olin R. Moyle.

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**Defendants' Exhibit D-2**

OLIN R. MOYLE Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone BLuemound 5856

#1 Which is Supreme: Righteousness or Organization?

#2 If a person is falsely charged with causing dissension, slandering the brethren, and being unfaithful to the Kingdom interests, is it wrongful for him to present facts establishing his innocence? For almost a year the Society has conducted a campaign against me, and it now appears advisable to let a few friends know the truth. #3 Will you therefore be kind enough to read this letter in entirety?

On July 21, 1939 I sent a letter to Judge Rutherford resigning my position as Counselor for the Society. As reasons for such resignation I stated it was a protest against certain conditions at Bethel, chief of which were the following:



*Defendants' Exhibit D-2*

1. Frequent scoldings, lambastings and upbraidings given brethren by the Society's president.

2. Discrimination by the president against the brethren in favor of himself in the matter of comforts and conveniences.

3. Undue glorification of alcohol at Bethel.

4. Over indulgence in vulgar and smutty language at Bethel.

The statements in the letter were Facts, but nevertheless I was promptly expelled from Bethel, labelled a Judas and an evil servant, charged with committing an assault upon the Society, and with causing division and dissension among the brethren. The Board of Directors signed and published a statement alleging my letter to be entirely false, but one of them, C. J. Woodworth, overstepped himself. He made the slight mistake of signing an additional letter admitting the truth of the major portion of my letter and attempted to justify the lambastings and discrimination exercised by Judge Rutherford.

I returned to Wisconsin, opened an office for the practice of law, but have not been permitted to dwell in peace. The Tower in issue after issue has published letters and statements intimating that I am busy circulating false statements among the brethren in Chicago, Aurora, Rockford, Kankakee, Waukegan and other places. The Facts Are That I Have Not Been Near Those Places and Have Circulated Nothing in Them. The Society publishes only its side



*Defendants' Exhibit D-2*

of the controversy, and I submit that even if I had circulated copies of the letter it would have been a matter of justifiable defense against false accusations. In due time under orders from the Society's president I was excommunicated from the Milwaukee Company without presentation of charges, or hearing, or any opportunity for defense.

#4 How can we escape the conclusion, that while pouring out much condemnation on religion, the Society is guilty of indulging in the worst kind of false religious practice, towit, that of persecuting one for the offense (?) of protesting against sinful acts of the Society's president? Judge Rutherford claimed that I had no right to protest to him or criticize him, even though such protest or criticism be the truth. In other words his position is so lofty as to give him immunity from the commission of the most wrongful of acts. #5 Isn't that placing himself and the organization above the laws of God? #6 What difference is there between such a theory and the teachings of the Roman Catholic Church?

The record in this case proves that the Society has departed from the straight and narrow course of righteousness, and has committed itself to a course of action and policy which provides

> That One Who Privately Protests to the Society's President Against Wrongful Acts Committed by Him Shall Thereby be Excommunicated from the Organization: Declared to be an Evil Servant, a Judas and One Fit Only for Second Deaths Falsely Charged with

1915

*Defendants' Exhibit D-3*

THE COMMISSION OF WRONGFUL ACTS: PROHIBITED FROM ENGAGING IN KINGDOM WORK WITH HIS BRETHREN: AND INTERDICTED FROM FELLOWSHIP WITH HIS BRETHREN IN THE COMPANIES OF JEHOVAH'S WITNESSES.

That is something to think about. #7 Can such policy and course of action be justified under the laws of Almighty God? #8 Isn't it a blasphemy to claim that God's "Theocracy" would be guilty of such tactics? #9 Do they not manifest the fact that Satan has been exercising control over the management of the Society, and that the Lord has permitted it in order to test His people as to whether they would permit a man or an organization to come ahead of Jehovah God? And while on the subject there are other matters for consideration such as: The throttling of real Bible study among the companies: The regimentation of the brethren through coercion in hours and service: The harsh and unScriptural teaching that those who do not accept the message now will be eternally lost: The denial of the doctrine of restitution, and the imposition of a spirit of fear and restraint among the brethren.

We left a denominational church in order that we might be out in the liberty wherewith Christ makes us free. #10 Where are Jehovah's witnesses now? #11 Are the Lord's people in the process of being ensnared by a more subtle hierarchy? That is a question which requires the most careful consideration by each one of the Lord's people who claims to be a part of the Society.

Yours in the service of the Most High,

OLIN R. MOYLE.

ans., and sent
8/6/40

1916

*Defendants' Exhibit D-3*

**Defendants' Exhibit D-3**

This exhibit is a circular entitled "God is Not the Author of Confusion".

Not printed pursuant to stipulation on pages 1988-1989 of this record.

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**Defendants' Exhibit D-4**

This exhibit is an envelope in which was contained a document similar to Defendants' Exhibit D-3.

Not printed pursuant to stipulation on pages 1988-1989 of this record.

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**Defendants' Exhibit D-5**

Wauwatosa, Wis.
Sept. 16, 1939.

Dear Sister Dilly:

Doubtless by this time you have seen the statement in the Sept. 1, Watch Tower, accusing Olin of being unfaithful. To those of our friends, we wish to state that neither of us were ever unfaithful to Jehovah, his organization, or any of the brethren.

Last May, we decided we did not wish to continue living at Bethel, because of conditions existing there, which we could not approve. We decided that by Sept. 1, of this year Olin would have the many cases in various courts of appeal, so arranged that we could handle them from an office in Milwaukee.

One of the rules of the organization is that

1917

*Defendants' Exhibit D-5*

any one leaving Bethel should give a 30 days notice. This we did 35 days before Sept. 1. Olin tabulated all the pending cases giving statements of the progress of each & offered to handle them just as he had been doing. He also wrote a personal letter to Bro. R. stating our reasons for leaving.

This angered the Judge, who called a meeting of the board of directors, after speaking at length. J. F. R. called Olin one of the evil servant, etc.

Since we left stories have circulated that Olin is a Jesuit that he advised parents to send their children to military schools, that he was unfaithful, all statements are untrue. At the dinner table, the letter Olin wrote was read to the family & J. F. R. ordered Olin to leave Bethel at once. Later he included Peter & myself. It was a terrible hot day. We had to pack our personal effects, find a moving van & get out before night. This we did. We had our trailer parked on Bro Van Ness's farm, about 30 miles from Brooklyn, in New Jersey. We used to go out there over week ends & with Van Ness's witness in the mountains. We got to Van Ness's at 11:45 P. M. They took us in & we stayed with them until we could get a trailer hitch for the Plymouth. Then we came to Milwaukee, where Olin will engage in private practice again. Bro. H. Fink, a broker of vegetables, is giving us the use of his office free and Bro. & Sr. Newman are giving us a home free until May or June.

When we went to Bethel over 4 years ago we sold our home & business & all belongings. We

1918

*Defendants' Exhibit D-5*

could not keep a car, pay for garage & upkeep on $10 per month.

Each of us drew $10 each month of our savings for the four years besides using money as we needed it.

Never have any of us been unfaithful. The Milwaukee company have welcomed us, we have our part in the house-to-house work, model studies, back calls etc. and in spite of all stories to the contrary we desire to continue serving.

The Rouse's are again in Lake Mills, Wis trying to sell their property.

We are glad to know you are so comfortably located, near your children, & are always glad to hear from you.

Yours in the service of Jehovah

PHOEBE N. MOYLE.

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[Envelope postmarked Milwaukee, Wis., Sept. 18. 1939. 12.30 P. M.]:

After 5 days, return to
R #8-Box 813 G.
Wauwatosa, Wis.

Mrs. Hattie Dilly,
424 Erie Street,
South Haven, Mich.

1919

**Defendants' Exhibit D-6**

7218 W. North Avenue
Wauwatosa, Wis.
Sept. 2, 1939

Dear Brother Confehr:

Your letter came along in good season and we were much interested in its contents. I was especially interested in the comments of the Bethelites. The claim that I advised Orrell to pay his fine and settle the case is false. At the hearing the judge made the suggestion that he would reduce the charge and make a nominal fine of ten dollars if we would plead guilty and pay the fine. I turned the offer down. Orrell didn't hear this and I explained it to him on the way back to the office. I have been wondering where they got the idea I advised him to settle and finally it came to me that while explaining it to him I jocularly made the statement that it might not have been a bad idea to pay the fine as it would save us a lot of work and money. So it appears that Orrell is making good use of that statement, which I should have known better than to make, at least to him. It gives them one more item for smearing purposes.

I suppose you have seen the notice in the Sept. 1st Tower. CONSOLATION will follow next with its onslaught, and then I suppose the Year Book report will give a final send off. Then maybe they will leave us alone. At first I was inclined to defend myself by sending copies of my letter to everyone that I could, but have now decided to write to just a few friend and deny the allegations of unfaithfulness and let it go at that. The Lord knows the facts so we do not

1920

*Defendants' Exhibit D-6*

need to be worried what others think of us. I surely do have a great itching to tell CJW what I think of him for his contemptible attack on Phoebe but I shall even let him plod his own lousy way without rebuke.

The brethren here have been just grand to us. We've had offers of financial assistance and so far the Tower notice doesn't seem to have alienated them from us. I think the Society will have one heck of a job to bar us from service work in connection with this company. There is a freedom here which is not found in the eastern companies. Their studies are a pleasure to attend. The Milwaukee Company has about 200 publishers, but the Sunday evening meeting is attended by about 400 with new ones coming continually. They study the SALVATION book and the study is free and untrammelled from censorship. Its a real pleasure to sit in on such studies and also a joy to work with them in the field.

I am still marking time as far as the practice of law is concerned. Our offices will not be ready until the latter part of the month. Peter is still hunting for work, but has a job in sight in Chicago. He will know definitely about that the end of this coming week. Phoebe is busy feeding us and to her great joy and happiness is shedding a few pounds.

We are sorry to hear about your loss of health. High blood pressure is a serious proposition. You'll have to take it easy from now on. I can well believe the class situation there has had a great deal to do with that condition. And it looks as though you'll have to cut down

1921

*Defendants' Exhibit D-7*

the coffee consumption and take up—or rather down—alfalfa te . We hope that you ill be in a position to ease up and improve in health.

Well it looks as though the bullets and bombs will be flying all over Europe before long.

Our furniture is still on the way from Brooklyn. We are hoping it will get here before Armegeddon starts anyway.

We heard that Bethel now has all day Saturdays off. Don't you think my epistle did some good after all.

Time to quit for dinner. Love to Becky, Lunney, Bill and all the rest.

As ever,

OLIN R. MOYLE.

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**Defendants' Exhibit D-7**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. — Wauwatosa, Wis.
Telephone — BLuemound 5856

Oct. 30, 1939

Dear Bro. Confehr:

Your card received. The watch hasn't arrived here and in view of the present strained relations I fear I will have much delay and difficulty if I write to the Society about it. Therefore can I trouble you to ask the Philadelphia brother for the amount of the bill for repairs. Then if you will give me his address I will send a check direct to him and have him direct its

1922

*Defendants' Exhibit D-8*

shipment to me. He can add the cost of mailing to his bill.

Glad to hear that the Coughlinites got trimmed on the Heath, Orrell etc cases. And, confidentially, Heath is lucky. When a man goes up three or four stories with the avowed intention of cracking some heads he is fortunate if he gets off free.

Latest here. The Society has reached out its long arm and prohibited this evil servant from representing brethren gratis on an information march case. It would rather pay contributed funds for an outside attorney. That hierarchy surely works with efficiency.

Still in the Kingdom service,

OLIN

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**Defendants' Exhibit D-8**

OLIN R. MOYLE — Counselor
117 Adams Street . Brooklyn . New York
Telephone — TRiangle 5-1474

Chilson, N. Y.
July 25, 1939

Mr. and Mrs. G. W. Chambers,
Pittsburgh, Pan.

Dear Brother and Sister Chambers:

Vacation time is here and we are perched in a nice cottage on the banks of a little lake near Ticonderoga, NY resting frayed nerves and taking it easy. The last few weeks at Bethel have

1923

*Defendants' Exhibit D-8*

been pretty strenuous and it feels pretty good to do nothing but what one wants to do.

Now hang on to your chair and your false teeth while I pass out some rather surprising news to you. It will come to you in due time but I'll give you the advance tip and break it gently. Just before leaving Friday I sent five pages to the Judge stating that I was resigning as general counsel said resignation to take effect on September 1st next. Reasons for the resignation were given in the five pages sent, the primary reason being to protest as effectively and as strongly as possible against the unjust conditions existing at Bethel. I was in a pretty good condition to make such protest for the reason that the Judge has been pretty decent towards me and he couldn't claim I was acting for personal reasons.

We are going back to Wisconsin where I expect to open up an office for the practice of law, probably in Wauwatosy, a suburb of Milwaukee. Its not the easiest thing to pick up practice but I guess we won't starve. Just how much of a part I'll still have in handling the cases for the brethren depends on the judge. I gave him a list of the major cases pending and told him I could and would handle most of them if he so desired it. He may be so overheated that he'll say nothing doing as to any of the cases. If he does, he is going to have one heck of a job straightening things out.

Well thats the grisly story, or at least a skeleton of it. The whole story is too long to put in this letter. Maybe someday I'll have a chance

1924

*Defendants' Exhibit D-8*

to talle you all about it. A great many of course are going to claim that we are doing the wrong thing in leaving Bethel, and that we should fight it thru there. The answer to that is that there isn't any chance to fight against conditions at Bethel, and I don't believe the Lord requires one to live under the dictatorial conditions existing there. I hope the action we have taken will cause the Judge to do some serious thinking and correct many of the unjust conditions. The past few weeks—ever since the New York convention—have been terrible. We're glad to forget the whole business for a while out here among the mountains.

We'll be at this place until near the end of next week. If you write to me address it

Chilson, New York.
(Eagle Lake)

I don't know when I'll see you folks again, but hope it will be some time and somewhere before we wind up our careers on this side of the Kingdom. You have been so very kind and good to me when I have been at Pittsburgh that the memory thereof will not be forgotten.

You can tell Charlie and the Campbells about this, but probably it would be just as well not to publish the matter generally throughout the Pittsburgh company until after the 1st of September.

Yours in Kingdom service,

OLIN R. MOYLE

1925

**Defendants' Exhibit D-9**

Enroute to Wisconsin
August 11, 1939

Dear Brother Chambers:

Your kind letter came along while we were still on vacation and was certainly appreciated. Since vacation things have happened fast—so fast that we are now ex-Bethelites and on our way to Wisconsin. Tuesday morning the Judge called a joint meeting of the Boards of Directors of the two corporations and asked me to be present with them. At the meeting my letter of July 21st in which I protested over some of his actions was read. The Boards took prompt action by recommending that I be immediately expelled from Bethel. At noon the letter was read to the family and the entire Moyle family ordered to pack up its goods and be out of the place by evening. That was some task but we accomplished it. The family under presidential pressure supported the action and a large number of them promptly snubbed us in good style. In addition to all this the Judge consigned me to the evil servant class, denounced me as a "religionist" and announced his determination to prevent me from ever again assisting any of the brethren in court. In addition Bill Heath claimed I was a "Jesuit". Thats not a joke—an actual claim. And some other unknown person started circulating a story that I had advised parents in Massachusetts that it would be all right to send their expelled students to a military school. So it appears that before many weeks go by I'll have a pretty black reputation among the Lord's people.

1926

*Defendants' Exhibit D-9*

But we are not complaining. We are going back to Wisconsin and shall do all we can to give witness to the Kingdom and fight the modern Philistines.

I wish we could accept your kind invitation to visit you but it is impossible. We must get back, get settled, and get to earning some money so we can continue to eat. We are pulling our trailor and dodging the big cities including Pittsburgh.

In all probability the story will in due time come to you and other friends that the letter I sent to JFR was a malicious, libellous document. I'm not giving it general circulation as I do not care to start a rumpus throughout the organization. It contained my reasons for deciding to return to private practice and I shall use it where necessary to defend my good name, and the good name of my wife and son. I value the friendship of you and Sister Chambers, so if any such stories come to you, I will be glad to send you a copy of the letter to you any time that you feel you would like to read it.

My address for the present will be: 7218 W. North Avenue, Wauwatosa, Wisconsin, and I'll be glad to hear from you And I'll be glad to give you counsel on the cases or any matters at any time. Tell Charlie I'll be writing him soon. Haven't time just now.

Yours in Kingdom service,

OLIN R. MOYLE.

1927

**Defendants' Exhibit D-10**

O. R. MOYLE Counselor at Law
117 Adams Street - Brooklyn - New York
Telephone TRiangle 5-1474

Wed. A. M.

Dear Confehrs:—

The lightning struck yesterday. JFR called a meeting of the W.T. Board of Directors. My letter was read and ad Board recommended my immediate dismissal Then the letter was read at the table at noon, and the family unanimously supported the action of the Board of Directors. Therefore we—the Moyle family—were ordered to pack up our goods and get out that afternoon. That was some task but we got them packed, and I am now waiting for the moving van to start them on the way to Wisconsin.

Therefore—don't send any more letters to me at Brooklyn.

I don't have an extra copy of the letter to JFR at hand just now but will send you one in due time.

All for now

OLIN

Address
7218 W. North St
Wauwatosa
Wisconsin

1928

**Defendants' Exhibit D-11**

August, 1941 THE HERALD OF CHRIST'S KINGDOM

LECTURES BY BROTHER O. R. MOYLE

Colby, Wis. ..... Aug. 10 Canton, Ill. ..... Aug. 31

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**Defendants' Exhibit D-12**

August, 1941 THE HERALD OF CHRIST'S KINGDOM

ASSOCIATED BIBLE STUDENTS CLASSES

The brethren whose appointments are listed hereunder are believed to be loyal to the Word of God, clear in its fundamental teachings, and in general harmony with the spirit and purpose of the Institute's ministry. Those to whom they minister are counseled to prove all things and hold fast to that which is good.

1929

**Defendants' Exhibit D-13**

This exhibit consists of an envelope postmarked "Milwaukee, Wis." bearing typewritten address "Attorney Clarence Scott, Old Town, Maine" and bearing sender's rubber-stamped return address "1439 Underwood Avenue Wauwatosa, Wis." AND attached thereto FIVE printed pieces, viz.,

(1) LEAFLET titled "INFORMATION VITAL TO JEHOVAH'S WITNESSES", consisting of letters signed O. R. Moyle dated Sept. 25, 1940 and May 18, 1940, both of which letters are the same as Defendants' Exhibit K (printed in full herein); and including also letter of O. R. Moyle dated July 21, 1939 being the same as Plaintiff's Exhibit 4 (printed in full herein).

(2) LEAFLET titled "AN OPEN LETTER TO JEHOVAH'S WITNESSES" dated Sept. 25, 1940 and signed Harvey H. Fink (being the same as Defendant's Exhibit G.

(Not printed herein pursuant to stipulation on page 1988 of this record.)

(3) LEAFLET titled "WHEN THE MORNING COMETH" undated and signed PASTORAL BIBLE INSTITUTE, 177 Prospect Place, Brooklyn, N. Y.

(Not printed herein pursuant to stipulation on page 1988 of this record.)

(4) PAMPHLET, 32 pages, titled "THE MESSIANIC THEOCRACY" undated and signed THE DAWN, 136 Fulton Street, Brooklyn, N. Y.

(Not printed herein pursuant to stipulation on page 1988 of this record.)

(5) PAMPHLET, 32 pages, titled "TYPES" undated and signed THE DAWN, Dept. J, 136 Fulton Street, Brooklyn, N. Y.

(Not printed herein pursuant to stipulation on pages 1988-1989 of this record.)

1930

**Defendants' Exhibit D-14**

CHARTER

WATCH TOWER BIBLE & TRACT SOCIETY

Formerly Zion's Watch Tower Tract Society

*

BE IT KNOWN, that the subscribers, having associated themselves together for the purpose of the dissemination of Bible truths in various languages, and being desirous of becoming incorporated agreeably to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations", approved the twenty-ninth day of April, Anno Domini, One thousand and eight hundred and seventy-four, and its supplements, do hereby declare, set forth and certify that the following are the purposes, objects, articles and conditions of their said association for and upon which they desire to be incorporated:

I. The name of the corporation shall be Zion's Watch Tower Tract Society.

II. The purpose for which the corporation is formed is, the dissemination of Bible truths in various languages by means of the publication of tracts, pamphlets, papers and other religious documents, and by the use of all other lawful means which its Board of Directors, duly constituted shall deem expedient for the furtherance of the purpose stated.

III. The place where the business of the said corporation is to be transacted is the City of Allegheny, in the County of Allegheny, and State of Pennsylvania.

1931

*Defendants' Exhibit D-14*

IV. The corporation is to exist perpetually.

V. The names and residences of the subscribers are as follows:

Charles T. Russell, Allegheny City, Pennsylvania.
William I. Mann, Benwood, West Virginia.
Maria F. Russell, Allegheny City, Pennsylvania.
Wm. C. McMillan, Latrobe, Pennsylvania.
Simon O. Blunden, New York City, New York.
J. B. Adamson, Allegheny City, Pennsylvania.
Joseph F. Smith, Pittsburgh, Pennsylvania.

The corporation has no capital stock. Each donation of Ten dollars to the funds of said corporation shall entitle the contributor, or his assigns, to one non-forfeitable, non-assessable, and non-dividend bearing share, and to one vote for every such share in said corporation. Certificate of membership so acquired shall be issued by the Secretary, countersigned by the President, to the persons entitled thereto.

VI. The corporation is to be managed by a Board of Directors consisting of seven members, and the names and residences of those already chosen Directors are as follows:

| | |
|---|---|
| President, | Charles T. Russell, Allegheny City, Penna. |
| Vice Pres., | William I. Mann, Benwood, W. Va. |
| Secy. & Treas. | Maria F. Russell, Allegheny City, Penna. |
| | Wm. C. McMillan, Latrobe, Penna. |
| | Simon O. Blunden, New York City, N. Y. |
| | J. B. Adamson, Allegheny City, Penna. |
| | Joseph F. Smith, Pittsburgh, Penna. |

1932

*Defendants' Exhibit D-14*

VII. The said corporation by its Board of Directors, a majority of whom shall constitute a quorum for the transaction of business, shall have full power and authority to make and enact by-laws, rules, and ordinances, which shall be deemed and taken to be the law of said corporation, and do any and everything useful for the good government and support of the affairs of the said corporation; provided that the said by-laws, rules and ordinances, or any of them, shall not be repugnant to this charter, to the constitution and laws of the Commonwealth of Pennsylvania, and the Constitution of the United States.

VIII. The said corporation shall have as officers a President, who shall preside at the meetings of the Board of Directors, a Vice President, who shall preside in the absence of the President, and a Secretary, who shall also be Treasurer; and these officers shall be chosen from among the members of the Board of Directors annually on the first Saturday of each year, by an election by ballot to be held at the principal office of the corporation in Allegheny City, Pennsylvania. The members of the Board of Directors shall hold their respective offices for life, unless removed by a two-thirds vote of the shareholders, and vacancies in the Board occasioned by death, resignation or removal shall be filled by vote of a majority of the remaining members of the Board, who shall meet for that purpose within twenty days from the time when such vacancy, or vacancies, shall occur, and in the event of a failure to fill such vacancy, or

vacancies, in the manner aforesaid, within thirty days from the time when such vacancy or vacancies, shall occur, then the said vacancy, or vacancies, shall be filled by the appointment of the President, and the person, or persons, so appointed shall hold his, or their, office, or offices, until the next annual election of officers of the corporation, when such vacancy, or vacancies, shall be filled by election, in the same manner as the President, Vice President, and Secretary and Treasurer are elected. The persons entitled to vote at annual elections of the corporation, shall be those who hold certificates of membership acquired in the manner aforesaid.

IX. The said corporation, under the name, style, and title aforesaid, shall have full power and authority to make, have and use a common seal, with such device and inscription as they may deem proper, and the same to alter and renew at their pleasure; and by the name, style, and title aforesaid, shall be able in law and equity to sue and be sued, plead and be impleaded in any Court or Courts, before any Judge or Justice of the Peace, in all manner of suits and complaints, pleas, causes, matters, and demands whatsoever, and all and every matter or thing therein to do in as full and ample a manner, and as effectually, as any other person, or persons, bodies politic or corporate within the Commonwealth of Pennsylvania, may or can do.

X. The said corporation, by the name, style, and title aforesaid, shall have the right, power, and authority to take, receive and hold in fee



simple, or any less estate, all such messages, lots, lands, buildings, tenements, rents, annuities, franchises and hereditaments as may be necessary and proper for its purposes; and to sell, lease, mortgage, or otherwise dispose of the same or any part thereof; and it shall have the same right, power, and authority to take, receive and hold, and to sell, lease or dispose of any and all kinds of personal property and money.

Witness our hands and seals this 12th day of November, A.D. 1884.

| | |
|---|---|
| Charles T. Russell | [seal] |
| Wm. I. Mann | [seal] |
| Maria F. Russell | [seal] |
| Wm. C. McMillan | [seal] |
| Simon O. Blunden | [seal] |
| J. B. Adamson | [seal] |
| Jos. F. Smith | [seal] |

Commonwealth of Pennsylvania } ss.
County of Allegheny }

Before me, the subscriber, Recorder of Deeds of the County of Allegheny, personally appeared Charles T. Russell, Maria F. Russell and Jos. H. Smith, three of the subscribers to the above and foregoing certificate of incorporation of the Zion's Watch Tower Tract Society, and in due form of law acknowledged the same to be their act and deed.



Witness my hand and official seal this 12th day of November, A.D. 1884.

Wm. H. Graham
Recorder [official seal]

In the Court of Common Pleas No. 1 of Allegheny County No. September Term, 1884.

And now this 13th day of December, 1884, the within Charter and Certificate of Incorporation having been presented to me, a Law Judge of said County, accompanied by due proof of publication of the notice of this application as required by the Act of Assembly and rule of this Court in such case made and provided, I certify that I have examined and perused the said writing and have found the same to be in proper form and within the purposes named in the first class specified in Section second of the Act of General Assembly of the Commonwealth of Pennsylvania, entitled, "An Act to provide for the Incorporation and Regulation of Certain Corporations," approved April 29th, 1874, and the supplements thereto, and the same appearing to be lawful and not injurious to the Community, I do hereby on motion of Weir and Garrison, attorneys for the within named subscribers and their associates, order and direct that the said Zion's Watch Tower Tract Society aforesaid be and the same is hereby approved, and that upon the recording of the same and of this order the subscribers thereto and their associates shall be a corporation by the name of the Zion's Watch Tower Tract Society



for the purposes and upon the terms therein stated.

F. H. Collier
Associate Judge, &c.
Common Pleas No. 1,
Allegheny Co., Penna.

From the Record
J. O. Brown
Pro. [court seal]

State of Penna. } ss.
Allegheny Co. }

Recorded in the office for recording Deeds, &c., in and for said County, in Charter Book, Vol. 9, page 250.

Given under my hand and seal this 15th day of Dec., 1884.

[official seal] Wm. H. Graham
Recorder

* * *

In re petition for change of name of Zion's Watch Tower Tract Society to Watch Tower Bible and Tract Society } No. September Term, 1896.

To the Honorable the Judges of the Court of Common Pleas No. One of Allegheny County:

The petition of Zion's Watch Tower Tract Society respectfully represents:

That it is an Association incorporated under the laws of the Commonwealth of Pennsylvania, by the Court of Common Pleas No. One (1) of



said County, on the 13th day of December, 1884, for the purpose specified in Section Two (2) of its charter, which reads as follows:

"II. The purpose for which the corporation is formed is, the dissemination of Bible truths in various languages by means of the publication of tracts, pamphlets, papers, and other religious documents and by the use of all other lawful means which its Board of Directors, duly constituted, shall deem expedient for the furtherance of the purpose stated."

That said purpose is embraced within the corporations of the first class, specified in Section Second, of an Act of the General Assembly of this Commonwealth, entitled, "An Act to provide for the Incorporation and Regulation of certain Corporations," approved the 29th day of April, A.D. 1874.

That in pursuance of the provisions of the said Act, of the General Assembly, the said Association is desirous of changing the name, style and title by which it was incorporated, and at a meeting of the said corporation duly convened, the following change in the name, style and title as set forth in said charter, was duly adopted:

"That the name, style and title of said corporation be changed from *Zion's Watch Tower Tract Society* to *Watch Tower Bible and Tract Society.*"

In witness whereof, the said Zion's Watch Tower Tract Society has hereunto affixed its



corporate seal, attested by its President and Secretary, this 8th day of August, A.D. 1896.

Zion's Watch Tower Tract Society

Charles T. Russell [corporate seal]
President

Maria F. Russell
Secretary

John K. Ewing

Commonwealth of Pennsylvania } ss.
County of Allegheny }

Be it remembered that on the 11th day of August, 1896, before me, a Notary Public, in and for said County and State, personally came Charles T. Russell, President of said corporation, and Maria F. Russell, Secretary of said corporation, who being duly affirmed, did say that they were personally present at the execution of the within petition, and saw the common seal of said corporation, Zion's Watch Tower Tract Society, affixed thereto, and that said seal is the common and corporate seal, and that the foregoing petition was signed, sealed and duly delivered by, as and for the act and deed of said corporation, for the uses and purposes therein mentioned, and that their signatures thereto are in their own proper handwriting, and that the

*Defendants' Exhibit D-14*

facts set forth in said petition are correct and true as they verily believe.

CHARLES T. RUSSELL
MARIA F. RUSSELL

Affirmed and subscribed before me
the day and year aforesaid.

Witness my hand and notarial seal.

JOHN K. EWING
Notary Public [N. P. Seal]

* * *

INTERLOCUTORY DECREE

And now, to wit August 24th, 1896, the foregoing petition for change of the name, style and title of the charter of Zion's Watch Tower Tract Society, having been duly presented to this Court, in order that the same might be deemed and taken to be part of the charter of the said corporation, and it appearing that such change in the name, style and title of said corporation is lawful and beneficial, and does not conflict with the requirements of the Act of the General Assembly of this Commonwealth, entitled, "An Act to provide for the Incorporation and Regulation of certain Corporations," approved the 29th day of April, 1874, nor with the Constitution of this State, and proof having been produced to this Court, showing that notice of the foregoing application has been duly given to the Auditor General of the State of Pennsylvania, it is hereby ordered and decreed that notice of this application shall be given by pub-



*Defendants' Exhibit D-14*

lication in accordance with the statute in such case made and provided.

By the Court.

FINAL DECREE

And now, to wit September 19, 1896, the within petition for the change of name of the within designated corporation, having been presented to this Court, accompanied by due proof of publication of notice thereof, and no cause having been shown to the contrary, it is on motion of Charles W. Dahlinger, Esq., ordered and decreed that upon the recording of the same, that the name, style and title of "Zion's Watch Tower Tract Society" be changed to "Watch Tower Bible and Tract Society", and said change shall be deemed and taken to be part of the charter of said Corporation.

By the Court.

Commonwealth of Pennsylvania }
County of Allegheny } ss.

Recorded on this 22d day of September, A.D. 1896, in the Recorder's Office of said County in Charter Book, Vol. 22, Page 415. Given under my hand and the Seal of the said Office the day and year aforesaid.

GEO. M. von BORNHORST
[SEAL] Recorder



**Defendants' Exhibit D-15**

This exhibit is the Charter of the Watchtower Bible & Tract Society, Inc., a New York Corporation.

Not printed pursuant to stipulation on pages 1988-1989 of this record.

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**Defendants' Exhibit D-16 for Identification**

This exhibit is an unsigned copy of letter dated April 25, 1939, to O. R. Moyle [original signed J. F. Rutherford].

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**Defendants' Exhibit D-17**

Milwaukee, Wisconsin
March 9, 1940

Olin R. Moyle,
1439 Underwood Avenue,
Wauwatosa, Wisconsin.

The following is a quotation from a letter of March 5, 1940, from J. F. Rutherford, President of the Watchtower Bible & Tract Society. Quote: "You have seen Moyle's assault upon the Society. He has never made an effort to apologize for his wrongful conduct, but on the contrary continues to send letters throughout the country upholding his wrongful position. Under such circumstances those who really love the Lord and are loyal to his Theocratic Government should not tolerate such nor permit them in the Company to answer questions or make comments.



*Defendants' Exhibit D-18*

but they should be ignored exactly as the apostle says."

The conductors of the Milwaukee company will be guided accordingly.

MILWAUKEE COMPANY OF JEHOVAH'S WITNESSES,
signed C. H. ELLISON
Company servant.

CHE-S

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**Defendants' Exhibit D-18**

COPY

MARCH 21, 1940

O. R. Moyle
1439 Underwood Ave.
Wauwatosa, Wis.

The servants of the Milwaukee company of Jehovah's witnesses pointed out to the company servant and zone servant that it was our duty to notify O. R. Moyle that he did not have the privileges as a publisher for the Theocracy. Therefore this is notice that you will be refused all privileges such as literature and equipment assignments to territory, back calls and any others that are enjoyed by a publisher for the Theocracy.

Signed

ELMER McDANIEL
Zone Servant

C. H. ELLISON
Company Servant



**Defendants' Exhibit D-19**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

March 22, 1940

Mr. C. H. Ellison,
2151 N. 41st St.,
Milwaukee, Wis.

Dear Brother Ellison:

On Sunday, March 10th, you handed me a letter stating that I was not to be tolerated or permitted to answer questions or make comments at the meetings of the Milwaukee Company. You know that at no time have I said anything out of harmony with the Truth or the Society, and yet I am now to be gagged and forbidden to speak. Your letter amounts to an excommunication by order of one man, the Society's president. The Bible prescribes the correct method of excommunication (Matthew 18:15-17) but this is ignored by you and Brother Rutherford. Such action is indefensible, unjust and unScriptural. Nevertheless I do not intend to stir up any disorder and will submit to its terms.

Will you kindly permit me to make some comments on the letter and ask some questions which may clarify matters for future conduct.

In the letter of Judge Rutherford of March 5th, apparently written to you, he states: "You have seen Moyle's assault upon the Society." May I ask: When and were did you see me make an assault upon the Society? Have you told Judge Rutherford that you witnessed such assault? If you did not inform him, how did he



*Defendants' Exhibit D-19*

get the idea? And if you did not witness such assault, did you so inform Judge Rutherford? Or are you willing to let him put a falsehood in your mouth and keep it there?

You know that during the period I have met with the Milwaukee Company I have never attacked the Society. Neither did I make such attack before coming here. The Judge apparently is trying to create the impression that my letter to him protesting against some of his wrongful acts constituted an attack upon the Society. And that is why he caused the Directors to sign their names to a statement that every paragraph except the first of my letter was false. It may interest you to know that I have on hand another statement signed by one of those men, C. J. Woodworth, wherein he admits the truth of the major portion of my letter and attempts to justify the Judge's wrongful acts. Others of the Directors have in private conversation deplored such acts. You too have been known to express your emphatic opinion against such dictatorial acts by Judge Rutherford. I went to him direct with my protest, and as a result have been labelled a Judas, an evil servant, hounded in the Watchtower, and expelled from the organization. You and some of the Directors can make similar statements behind his back, where it is safe, and still bask in the sunlight of his favor.

I am expected to apologize to the Judge for what he describes as my "wrongful conduct." Some of the Milwaukee brethren, although blissfully ignorant of the facts, are quite busily talking around that "Brother Moyle ought to apolo-

1945

*Defendants' Exhibit D-19*

gize and then everything would be all right." They do not come to me with this advice but offer it gratuitously to those who will listen. Should I apologize for honestly performing the duties of my office as Counselor? I have on hand a signed copy of my prescribed duties, and it will be well for you and others so willing to condemn to know that my act came within the duties prescribed by the Societies president. Because I have refused to apologize for standing by facts and truth I was thrown out of Bethel, and now with your compliance and assistance I am excommunicated from the Milwaukee Company.

You hold a responsible position as Company Servant. If thru honestly executing the duties of your office you should incur the displeasure of the Society's President (and bear in mind that such has happened in the past and can still happen), would you apologize for your rightful course of action? Not if you value your integrity and have any love for righteousness. Of course if you value your office and the favor of the Society's officers above truth and justice you will do what they say regardless of the facts. And that appears to be what you are doing in my case.

Jehovah's witnesses through the Watchtower have waged an earnest battle against intolerance. We have vigorously protested against infringements on freedom of speech and freedom of conscience. We have held the Roman Catholic Hierarchy up to scorn and contempt because of its intolerance and its suppression of the rights of conscience. And now I am condemned

1946

*Defendants' Exhibit D-19*

and interdicted solely because I exercised those fundamental rights in the interests of the Society and of the brethren. That is something for you to thoughtfully remember when considering Tower articles bearing on the subject of religious intolerance.

In the quotation from Judge Rutherford's letter it is stated that I am not to be "tolerated." That needs further explanation. Will you therefore please send me answers to the following questions:

1. Are my reports of Service activity still to be accepted and counted in with those of the Company?
2. Will Watchtower and Consolation subscriptions secured by me be forwarded in the usual manner?
3. Am I prohibited from securing books, booklets and service territory through the Company?
4. Does the fact that I am not to be "tolerated" mean that I am prohibited from attending study or service even though not participating therein?

I have been in the Truth for a good many years and have never deviated from whole hearted devotion to the Lord and to the Kingdom interests. I can say and prove that my course of action here in Milwaukee has been one of thorough loyalty to the Lord and to the Society. Yet without opportunity for defense or presentation of facts I am gagged and virtually kicked out of the Milwaukee Company. That is

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*Defendants' Exhibit D-19*

an outrage. How can you justify such action as being in the Kingdom interests? The apostle tells the brethren that they are to "love one another fervently." 1 Peter 1:22. That calls for at least decent treatment, but your action in this case is below the realm of decency. You cannot disclaim responsibility by claiming you act under orders of the Society's president. The laws of God are still superior to his mandates. He is the judge and it is to HIM that you bear responsibility. Romans 14:10.

I feel that the Company should have this information and therefore a copy of this letter goes to the Company Secretary.

Your Brother in Kingdom service,

OLIN R. MOYLE.

1948

**Defendants' Exhibit D-20**

OLIN R. MOYLE — Attorney-at-Law
1439 Underwood Ave. - Wauwatosa, Wis.
Telephone — BLuemound 5856

December 30, 1939

Mr. and Mrs. Fred Aebly,
50 South Lewis Avenue,
Waukegan, Ill.

Dear Fred and Jessie:

And so you too have joined the hue and cry. The Watch Tower just arrived containing the statement signed by Waukegan company and with your names thereon. I note particularly this statement: "There has been so much confusion created by those letters that O. R. Moyle sent to the different brethren throughout this particular area."

You remember that you came to see us and expressed your sympathy and your desire to know the truth. You wanted to know what the facts were and to see the letter I sent to Judge Rutherford. We loaned you a copy of that letter and now we see your names signed to a letter telling how I sent that particular letter throughout your area.

How can you justify such action? It seems to me that we are entitled to an explanation.

Yours still in Kingdom service,

OLIN R. MOYLE.

1949

**Defendants' Exhibit D-21**

January 1, 1940 — THE WATCHTOWER

100 PERCENT FOR THE CHANNEL

Dear Brother Rutherford:

Christian greetings in the name of our King, Christ Jesus. We wish to thank you for sending Brother Howlett to visit the different companies in this part of the country.

We believe that Brother Howlett's visit was timely, fully under the direction of the Lord. There has been so much confusion created by those letters that O. R. Moyle sent to the different brethren throughout this particular area.

Enclosed you will find the Waukegan [Ill.] company's Pledge of Loyalty to the WATCHTOWER BIBLE AND TRACT SOCIETY, also to you as the society's president. Our company is 100-percent for THE CHANNEL that has been used to dispense the "meat" in due season to the household of faith.

PLEDGE OF LOYALTY

We, the undersigned, wish to express our appreciation and thanks to Jehovah's Theocratic arrangement on each, the WATCHTOWER BIBLE AND TRACT SOCIETY.

We deem it a privilege and honor to serve Jehovah and to have a part in the vindication of his name.

We declare ourselves wholeheartedly for Jehovah and his King, Christ Jesus, standing firmly in the belief that the WATCHTOWER BIBLE AND TRACT SOCIETY is still being used to make clear to his anointed the TRUTHS which are being

1950

*Defendants' Exhibit D-22*

revealed from his vast Storehouse of Treasures, the Bible.

[Signed]

EDWARD J. MONAHAN
ESTHER MONAHAN
ZEPHYR TUTTLE
GLADYS SABINE
MICHAEL J. KOHR
LULA S. HARTER
FRED AEBLY
JESSIE AEBLY
CLARA HOLCOMB
LINUS HOLCOMB
MARGE MONAHAN
DORA SCHEUERMANN
BOB MONAHAN
LAURA MONAHAN
JACK MONAHAN
BETTY HOLCOMB
AGNES ANDERSON

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**Defendants' Exhibit D-22**

Waukegan, Ill.
Jan. 24, 40.

Dear Olin and Phoebe:—

We rec'd your two letters, and will now try and answer same. You say in your letter we didn't have the courtesy to answer your first letter, that is not the case, our tenants moved out first part of this month and that meant cleaning and decorating the apartment for some new tenants. Then last but not least we have a big campaign on this month, that means making use of all the spare time we have. Your letters came in the middle of all this.

Now for the reason for signing our names to that letter in the Watch Tower. We have believed and still believe that the Watch Tower is the Channel that the Lord has used for many

*Defendants' Exhibit D-22*

years and is still using. In order to be one of the Lords people we must be one hundred per cent for that Channel. As you know our whole Company signed that letter. You state in your letter that we asked you for that letter you wrote to Bro. Rutherford, that is true, we did, nevertheless we know of other brethren in other companies that rec'd copies of that same letter without requesting same.

The Lord has said in His Word that He would put those out of His Temple who cause discord amongst the brethren. See "Matt, 13:41, 42." If all you said in that letter were true, it wasn't your place to clean out Bethel, the Lord has given His angels that job as per above scripture citation. We are responsible to the Lord as individuals, what our brethren do is between them and the Lord. If you wanted to leave Bethel that was your business but to write that letter to Bro. Rutherford, finding fault with your brethren there and then circulating the same to other brethren on the outside causing only confusion and putting doubt in their minds was entirely out of your jurisdiction and must have been very displeasing to the Lord. Surely you would not want to be guilty of stumbling your brethren and causing division amongst them. "Rom, 16:17." After talking with you, then after we prayerfully considered it, and studied the later Watch Towers we came to the conclusion that there could be only one motive on your part for your action in circulating that letter, namely, that of justifying your own position before your brethren.

Was glad to see the stand that Peter took



*Defendants' Exhibit D-22*

according to the letter published in the Watchtower, it must have taken great courage for him to come to that decision. Peter was very quiet that day we were up there, it was plain to be seen he didn't have all things clear in his mind, but thank God he must have had the right heart condition as he came out on the right side. We are living in perilous times and the wicked spirits are ever ready to take possession of our minds in any unguarded moment.

We have always thought highly of you, and it hurt plenty to see one that we have known for so many years and learned to love dearly, take such a course of action. But in order that we may maintain our own integrity we must stand by the Lord's Channel, The Watch Tower, Bible and Tract Society. If you have the right heart condition as you claim you would welcome correction from the Lord as stated in "Matt, 5:39." and would be glad to make amends for the wrong you have done to Bro. Rutherford and the brethren at Bethel. When you do make amends we will be glad to call you our brother and associate with you as we did in the past, but until such time we must do as the scripture says in Rom, 16:17, 18.

We trust that this will make our stand clear to you.

Yours in Kingdom Service and the Theocracy.

Fred & Jess. Aesly.



**Defendants' Exhibit D-23**

October 15, 1939 The WATCHTOWER

DECLARATION

September 14, 1939.

We, the Horicon, Wisconsin, company, Zone Number 2, of Jehovah's witnesses, including the pioneer workers, declare that we are wholly devoted to Jehovah's Theocracy under Christ, that we absolutely refuse to consider the malicious letters which some of the "evil servant" class have been circulating amongst the brethren, seeking self-justification and sympathy. We will not co-operate with a class known as such who oppose Jehovah's Theocratic government under Christ.

H. W. Hackbarth
Anna Roberts
Delmar Fennema
Robert B. Martin
Carl Otto
Melvin Hackbarth
Harold Hackbarth
Clara Hackbarth

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**Defendants' Exhibit D-24 for Identification**

This exhibit is a letter L. B. Jackson to J. F. Rutherford, dated Sept. 12, 1939.



**Defendants' Exhibit D-25**

July 1, 1940 The WATCHTOWER

RESOLUTION

Dear Brethren:

We, the Jefferson [Wis.] company of Jehovah's witnesses, acknowledge Jehovah God as the great Theocrat, that his organization is a theocracy, and that Christ Jesus is the Chief Officer thereof.

We are in full accord with Jehovah's Word, the Bible, and his explanation of the Bible which he is now revealing to us through his earthly channel, the Watch Tower, and realize it is our duty as his chosen servants to work together shoulder to shoulder in proclaiming his Kingdom message.

We resolve to let nothing hinder us in carrying out Jehovah's will, and will work together in unity under the direction of the Theocracy, with the hope and full assurance that we shall have Jehovah's approval and blessing.

DECLARATION

Dear Brethren:

We of the Waupun [Wis.] company do hereby declare that we are wholly devoted to Jehovah's Theocracy under Christ;

That we absolutely refuse to consider the malicious letters which those of the "evil servant" class have been circulating among the brethren, seeking self-justification and sympathy;

That we will not co-operate with that class who oppose Jehovah's Theocratic Government under Christ.



*Defendants' Exhibit D-25*

THE CHANNEL THE LORD IS USING

Dear Brother Rutherford and All the Bethel Family:

Having read the article "Information" in the October 15 issue of *The Watchtower*, we wish to express our disapproval of the things done by O. R. Moyle against the family at Bethel.

We do not know the contents of the letter written by Mr. Moyle, nor do we care to know. It is enough for us that our great God, Jehovah, is pleased to use you all in his service, and is showering you with blessings.

We believe that the Society is the channel the Lord is using to carry on his Kingdom interests in earth at this time, and that our brethren at Bethel are being spent in that service.

We never listen to accusations against Brother Rutherford or any faithful servant of God who is performing his given service in the Theocratic Government; for to do so would be disobedient and dangerous to ourselves. All of the faithful, having been warned, would do well to be on their guard against the wiles of those "wild waves of the sea, . . . for whom the blackness of darkness hath been reserved for ever". (Jude 13, *A.R.V.*) These do not discern the body, but, as Jude says, 'show respect of persons for the sake of advantage.'—Jude 16.

Owing to force of circumstances while I am still 'tent making' we are seldom where there is a company of servants. We know that the faithful all over the earth will hasten to stand openly on the side of our brethren at Bethel, and against all wicked accusers. We, also, wish to be found fighting shoulder to shoulder with our brethren, and to let it be known that, by Jehovah's grace,



*Defendants' Exhibit D-25*

we shall ever be found standing for Jehovah God, his King Christ Jesus, the Kingdom, and all who faithfully serve that kingdom.

With much love, we remain,

Your brethren and fellow locusts,

Granville E. Fiske,
Grace Fiske, *Pioneer.*

RESOLUTION

Dear Brother Rutherford:

The brethren of the North unit [of Chicago, Ill., company] of Jehovah's witnesses have unanimously adopted the following resolution:

"We, Jehovah's witnesses of the North unit will be on the alert for any information from the enemy in relation to the things Brother Howlett brought to our attention Sunday, October 1, 1939, relative to O. R. Moyle. We are one hundred percent back of you in the Theocratic Government, pushing forward to publish the Kingdom as commanded by the Almighty God through his Vindicator King Christ Jesus."

IN HARMONY WITH ACTION TAKEN

We, the Racine [Wis.] company of Jehovah's witnesses, wish to express our disapproval of the actions of O. R. Moyle against the Society and its president. We do hereby acknowledge the Watch Tower Society as the visible channel of Jehovah's Theocratic Government, and we are in complete harmony with the action taken by the board of directors. We are thankful to the Society for sending Brother Howlett in our midst to explain the matter, which he did so well.

**Defendants' Exhibit D-26**

7218 W. North Avenue
Wauwatosa, Wis.
September 5, 1939

Mr. Charles J. Eickhoff,
and family:

Dear Brother Professor:

"It ain't so." The notice in the September 1st Watch Tower declaring that yours truly had been unfaithful etc isn't in conformity to the facts, so I have to write to some of my friends and tell them the Society isn't telling the truth, the whole truth, and nothing but the truth concerning the matter. Its a sad story, Charles, so get your handkerchief ready and listen to the tale of woes.

I resigned my job of Counselor on July 21st and got excommunicated August 8th. The facts are that ever since we have been at Bethel many things which occurred have grated on the nerves. The Judges habit of lambasting the family at the dinner table was one of them. When it comes to calling a person down and up and around that party has them all beat. Many of the brethren have taken some terrific castigations for little or no cause except JFR'S ill temper. Then there was the matter of discrimination in favor of himself and against his brethren, the exaltation of liquor, and approbation of smutty talk. So Phoebe and I finally decided we had enough. I sent the Judge a five page letter of resignation containing reasons therefore which protested against some of the above acts. I sent it over to him just before vacation so he would have time



*Defendants' Exhibit D-26*

to read and cool off during the vacation weeks. Promptly after vacation he called the Board of Directors together, had the letter read to them and that august body by unanimous vote decreed I should be invited to leave. So that noon the Moyle family was given half a day to pack up and get out. In addition I was labelled a religionist, a member of the evil servant class, and in all seriousness claimed to be a Jesuit in disguise. In addition it is claimed I betrayed the brethren in the courts and that I advised brethren in Massachusetts to send their children to a military school. The Tower came out with this notice of unfaithfulness, and Woodworth is adding his little bit by a nasty scurrilous article which will appear soon in CONSOLATION.

We got our stuff packed in the one afternoon—Phoebe did wonders at the job—and got a van to haul it to Wisconsin, but the van has not yet arrived. It was only a partial load so has to wait until they get a full load. We got back here on the 14th of August and were given a royal welcome by the Milwaukee company. They have been kind as could be. We are living in the upstairs of the Newman home, just outside of Wauwatosa limits. I have a desk in Harvey Fink's office and we expect soon to move to large and commodious quarters where I will put the attorney's sign on the door and hope for business.

So there is the story. The Judge is of the opinion that I am going out to raise cain against the Society and therefore apparently has deemed it wise to get the drop on me by smashing my reputation amongst the brethren first. I have given him plenty of proof that I am not em-



*Defendants' Exhibit D-26*

barking on such a campaign, but when that boy gets an idea in his bonnet its practically impossible to pry it loose. Woodworth's article, which will come in Consolation is a nasty attack. It misrepresents and falsifies the entire matter. I received an advance copy and told him he should be at least decent enough to print my letter to JFR with it, but I doubt if that will be done. Well, we can take it, and we'll keep on plugging along regardless.

Hows everything with you? Will be glad to hear from you if you can write to an excommunicated brother without contamination.

Peter is looking for a job as a linotype operator. He has a prospect in Chicago which we hope will come out all right. Phoebe is busy learning to cook again and to her great joy is loosing a pound or two in the process. Let us hear from you,

As ever, in Kingdom service,

OLIN R. MOYLE.

Dear brother:

Owing to misplacement of letter containing Bro. Froberg's address, this was not sent sooner.

Your brother in Kingdom service,

CHAS. J. EICKHOFF



**Defendants' Exhibit D-27**

En route to Wisconsin
August 10, 1939

Mr. John G. Miller,
10 Conway Road,
Shelburne Falls, Mass.

Dear Brother Miller:

The lightning struck on return from vacation. Tuesday morning the judge called the Board of Directors together and asked me to be present at the meeting. My letter was read and the Board recommended that I be expelled from Bethel immediately. That noon the three of us, wife, Peter and myself were ordered to pack our goods and be out before night. It was some task but we got our goods together; got a van; and are headed westward. The judge consigned me to the evil servant class; called me a religionist. Heath claimed I was actually a Jesuit, and some one is busily circulating the story that I recommended to parents in Massachusetts that it would be good to send their expelled children to a military school. This is the beginning, so before long I expect my reputation will be pretty well shot to pieces. I am removed from participation in all cases, and the judge says that as far as he is able to prevent it, I will never again represent any of the brethren in court. All of this comes for making a personal, private protest to JFR against some of his actions.

I'm not complaining. Its not pleasant to be kicked about in that fashion, but I'll continue serving the Lord and fighting the enemy in every way He gives me opportunity.



*Defendants' Exhibit D-27*

I wrote to Gardner telling him I was out of the picture in the cases. Gardner and Post can handle them pretty well and I certainly hope that the Society will cooperate with them thoroughly. There is one thing that is somewhat disturbing and you may help in getting action on it. Post is handling the technical details of the appeal and inasmuch as he is part of a firm he cannot work for nothing although he did appear at Greenfield with Gardner as a volunteer. There is also some expense for printing the brief as the time will undoubtedly be too short for the Society to print it. Just before leaving on vacation I informed JFR of this and asked that he send Post a check for $250.—to draw on as the matter proceeded. I received a letter from Post to the effect that the check had not arrived. Now I am out of the picture and can do nothing more. I suggest that you write Gardner—Langdell Hall, Cambridge—and find whether the check arrived. If it has not, you could write to the Society, Legal Desk, and inquire concerning it. But don't mention I suggested it, if you want any favorable results.

Thanks again to you and Sister Miller for your kindness to me and for the pleasant time you gave us last week. I hope we'll meet again some time and I will be glad to hear from you. And I'm at your service as an individual for advice, counsel etc at any time.

Yours in the service of the King.

OLIN R. MOYLE.

New Address 7218 W. North Ave.
Wauwatosa, Wisconsin.



**Defendants' Exhibit D-28 for Identification**

This exhibit is a copy of letter from Olin R. Moyle to H. L. Parkhurst, dated Dec. 1, 1939.

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**Defendants' Exhibit D-29**

BETHEL HOME

RULES & REGULATIONS

(1) The legal title to the Bethel home is held by the *Peoples Pulpit Association*. It is held in trust for the Lord and his anointed. By the terms of the charter and laws of the Association the President thereof must control and manage the home.

(2) Rules and regulations are necessary to advise all the occupants what may be properly done in the home and what is improper to do. All who are devoted to the Lord are anxious to cooperate. Cooperation can be had only by each one faithfully observing the rules and regulations.

(3) Every member of the family must read and agree to the rules and regulations. By becoming a member of the family each one thereby agrees to be governed by such rules and regulations.

ORGANIZATION

(4) For the well-being of the Bethel home the following is the organization: House manager; housekeeper; assistants to the housekeeper; chef and assistants; dining-room attendants; laundry; and heating. Each one performing duties in any

*Defendants' Exhibit D-29*

part of the organization will be appointed by the President or by the house manager, with the advice and consent of the President. All such persons must be consecrated Christians.

DUTIES

(5) The house manager shall have general charge of the home. It shall be his duty to see to it that each one in every department of the organization is properly performing his or her duties. For this purpose the house manager shall regularly inspect the dining-room, kitchen, housekeeping, all the rooms, the laundry, heating arrangement, and consult with and advise each and every part of the organization concerning the work. Where there is any difference of opinion as to what shall be done, the decision of the house manager shall be final, subject only to the President. All matters of controversy must be taken up by the house manager and referred to the President only when it becomes necessary.

(6) If more persons are required in any part of the organization the house manager shall notify the President, that others may be brought in for that purpose. Anyone may be asked to leave the Bethel home or any part of the organization for cause. For good and sufficient cause the house manager may, with the advice and consent of the President, remove any one from the home.

(7) It shall be the duty of the house manager to know what person or persons occupies each and every room in the house and no one shall be



*Defendants' Exhibit D-29*

brought into the house for the purpose of performing duties or for remaining over night without the knowledge and consent of the house manager.

(8) The buying of food and other supplies for the home shall be done by the house manager. Requisitions for the same shall be properly made out and handed to the bookkeeper for any and all such purchases; and no person of the home shall be permitted to purchase anything on the account or credit of the Association except on proper requisition.

THE SICK

(19) The office and factory force are under the direction of the office manager. Any of the force employed there becoming ill shall immediately be reported to the office manager, and he shall handle the matter as the case seems to require. Any member of the force of the Bethel family not employed at the office or factory becoming sick shall be reported immediately to the house manager or housekeeper, and doctors may be summoned if necessary.

MEMBERS OF THE FAMILY

(39) No person shall become a member of the Bethel Family who does not profess full consecration to do God's will. Each one applying for membership shall fill out and sign a questionnaire provided by the Association for that purpose. Each one of the questions propounded shall be answered.



*Defendants' Exhibit D-29*

(40) When any person reports to Bethel home to become a member thereof his or her first duty shall be to read carefully the rules and regulations. To this end the house manager shall provide such with necessary copies. A supply of the rules shall be kept by the house manager for this purpose. Every person becoming a member of the family agrees to subscribe to and carefully observe all the rules and regulations. This is necessary for the well-being of the home and for the comfort of its members.

(41) No person becomes a member of the Bethel home and remains there as a matter of right, but is there by the grace of the Lord. He may be required to leave the home at any time for just cause. All persons becoming members of the family agree that they are in harmony with the divine plan as set forth in the Bible and as held and taught by the Society. Should any one become an opponent of the Society, that will be sufficient cause for his immediate removal from the home. Every member of the family occupies a confidential relationship to the Society and to every other member of the family. He or she therefore will fully cooperate in carrying out the purposes of the Society.

(42) The members of the family will be assigned to their respective rooms or quarters by the housekeeper with the advice and consent of the house manager, and may be removed from one room to another at any time that the house manager or housekeeper may deem necessary.

(43) The rooms shall be kept neat and in order. Any one who defaces or mars any of



*Defendants' Exhibit D-29*

the furniture or the walls or other part of the building shall be held responsible therefor. It is necessary for two or more persons to occupy a room. Each one therefore will give due consideration to the other and while in the rooms be orderly and quiet.

(44) No nails shall be driven into the walls for the purpose of hanging pictures, calendars or other things. The walls will be kept free from marks. No one will put any furniture of any kind into a room without the consent of the house manager or housekeeper. There shall be no visiting by one person in another's room unless the visitor is invited. Each one's room shall be considered his private home, and his privacy not to be intruded upon by anyone else. Exception to this rule is that the housekeeper or the house manager may visit any room at any time necessity requires.

(45) There shall be no visiting in rooms between the opposite sex. If a brother desires to see a sister, or a sister a brother, they shall meet in the general parlor.

(46) Any one who becomes a member of the Bethel home should consider that the Lord has placed him there and to not withdraw from the home and from the service unless it is manifestly the will of the Lord. Any one who is engaged at the home or factory, and who determines to sever his connection, shall give thirty days notice of the intention so to do.



*Defendants' Exhibit D-29*

VISITORS IN THE HOME

(49) The Bethel home is a private and not a public place. For the protection of the home and those who reside there strict rules must be had and be enforced concerning visitors. Because of the number in the home the rule heretofore observed which permitted any member of the house to invite some one to remain over night shall no longer be in force. Any member of the family desiring to entertain a person in the home or who invites a person to the home to remain over night shall first see the house manager, and in his absence the housekeeper, and receive consent so to do. The house manager shall assign a visitor to a room if there is any vacant. The house manager must know each night what visitors are in the home and what rooms they occupy. To this end he shall keep a record of the rooms, which record shall show who was occupying each and every room in the house. It will not be convenient to invite any one to make a prolonged visit at the Bethel. The Bethel is not a place for visiting, but a place for service to the Lord.

(50) Any member of the house inviting another person to dine in the Bethel home shall first obtain the consent of the house manager. This is necessary in order to make proper provision for those who must have their meals in the Bethel. The space is limited, and the brethren who have to work should not be crowded out of their places at the table. Visitors will be entertained at meals as the space will permit. For this reason the house manager must know



*Defendants' Exhibit D-29*

who they are and when they are visiting and when taking meals.

(51) It shall be improper for any man residing in the home to invite any girl or woman to visit him in the home. Any single girl calling at the Bethel home, or visiting, will not be admitted unless she is accompanied by one of her parents or unless her parents are already residing in the home.

Any one calling at the Bethel for the purpose of seeing another person shall be sent to the parlor, and all visiting will be had there. No persons not living in the home shall be permitted to go about the home except they are accompanied by the house manager or some one assigned by him to accompany them.

On Sundays meals are served only for the members of the family, and it will not be convenient to entertain outsiders at meals on Sundays. It will be proper for any member of the family to inform any visitor of this rule.

ENFORCEMENT OF RULES

(66) It will be the duty of the house manager to see that all rules of the home are strictly enforced and to take appropriate action to see that this is done. All members of the family are respectively requested to cooperate with the house organization and to carry their grievances, if any, to the house manager. Where each and every one in the house manifests the spirit of the Lord and strives to cooperate, the best results will be had. These rules and regulations are subject to condition or change at any time by the President without notice.

*Defendants' Exhibits D-30 to D-32*

APPOINTMENTS WITH THE PRESIDENT

(71) Any person, whether a member of the family or not, desiring to have an appointment with the President must first apply to the President's private secretary. If it becomes necessary for any one to see the President in an emergency, he may communicate with the President's private secretary by telephone going to the secretary's office.

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**Defendants' Exhibit D-30**

This exhibit is a Paper containing Resolution signed T. J. Sullivan, H. H. Riemer, Grant Suiter.

Not printed pursuant to stipulation on pages 1988-1989 of this record.

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**Defendants' Exhibit D-31 for Identification**

This exhibit is a letter from Olin R. Moyle to Clayton J. Woodworth.

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**Defendants' Exhibit D-32 for Identification**

This exhibit is a letter from Clayton J. Woodworth to Olin R. Moyle, dated August 15, 1939.



**Defendants' Exhibit D-33**

FACT DIGEST

The Magazine Devoted to the Popularization of Factual Information

Editor, J. I. Rodale Hayden E. Norwood
Associate, Jos. Rodale

June, 1939 10 cents Vol. VIII, No. 2

JEHOVAH'S WITNESSES

By G. R. Moyle

Whirring presses, clacking typewriters, heavily laden trucks coming and going, and the clatter of other machinery, give evidence of the busy activity of Jehovah's witnesses at their factory on Adams Street in the Borough of Brooklyn, New York City. A well lighted, immaculately clean and neat eight-story concrete building is the starting point of the millions of books, pamphlets and periodicals of the organization that go forth to the ends of the earth in English and scores of other languages. Another building of similar size on Columbia Heights in Brooklyn shelters the two hundred volunteer workers engaged at the plant and headquarters offices.

In general appearance Jehovah's witnesses are like other people. They wear no distinctive form of apparel. You will not find long whiskers, sanctified appearance, or any holier-than-thou atmosphere among them. They claim to be genuine, honest-to-goodness Christians. Their devotion to principle, to their tasks, and the absence of desire for honor of men, or monetary profit, gives merit to their claim.



*Defendants' Exhibit D-33*

Ask one of Jehovah's witnesses for a statement concerning his belief, or reasons for his convictions, and his answer brings you immediately to the Bible. The Bible is their guide. They cut through and reject any and all creeds and practices which are not upheld by the Scriptures. They engage in much independent research of the Scriptures and from it express their belief to the whole world.

They flatly deny many doctrines upheld as fundamental by religious denominations. A sample is that of the inherent immortality of the soul. The overwhelming majority of churches assert that there is within the human creature an immortal spark of life, termed the soul, which does not die and cannot die. Ask one of Jehovah's witnesses for his opinion concerning the subject. He will promptly bring to your attention Ezekiel 18, verse 4, which in part reads as follows: ". . . . the soul that sinneth, it shall die." This will be followed up by Psalm 89, verse 48, "What man is he that liveth and shall not see death? shall he deliver his soul from the hand of the grave?" If this does not convince you that the soul actually dies, he will cite half a dozen more Scriptures, and inform you that it is not a matter of interpretation but of accepting the plain and definite language of the Bible on the subject.

As to the condition of the dead, Jehovah's witnesses likewise differ from the religious denominations. They assert, and present voluminous Scripture citations to support it, that the dead are out of existence, that this unconscious condition is likened to sleep in the Bible, and



*Defendants' Exhibit D-33*

that therefore all the creeds and theories which claim the dead are being tormented or punished with conscious suffering in a place called hell or purgatory are false and a defamation of the good name of Almighty God. "His breath goeth forth, he returneth to his earth; in that very day his thoughts perish" (Psalm 146:4) is one of the many Scriptural passages presented to prove their point that the dead are unconscious and unable to know anything or suffer anything. The teaching of eternal torment in hell, or temporary torture in a place called purgatory, is strongly condemned.

Some opponents of Jehovah's witnesses claim their message is vindictive and provocative of strife or religious bigotry. It is alleged that such overlook much of what is disseminated. There is one important teaching which Jehovah's witnesses emphasize greatly. That is the gospel of the Kingdom of Almighty God. They refer to the statement of the Lord's prayer, which says, "Thy kingdom come; Thy will be done on earth, as in heaven." Citing other Scriptures corroborative of this, Jehovah's witnesses tell of the early establishment and manifestation of a theocratic government on this earth which will eliminate the misfortunes and injustices of this day and usher in a reign of righteousness for all people, who will be submissive thereto. They state that the time is at hand for the complete manifestation of this new Kingdom and that a great time of distress and trouble resulting in the forcible destruction of all earthly governments by Almighty God is close at hand. It is vitally necessary, they say, for all people to give attention to the promises



*Defendants' Exhibit D-33*

in the Divine revelation and take their stand definitely on the side of the Lord and of His Kingdom. That in so doing they will inherit the promises of protection during the last great battle, and be ushered safely into the Kingdom and receive its blessings.

Judge J. F. Rutherford, a former Missouri attorney, is the visible director of activities of Jehovah's witnesses. He doesn't claim to be a prophet, nor does he fit the ordinary idea of a prophet. There are no long whiskers covering his countenance, and he wears no distinctive style of robe or clothing, not even a frock coat. Some years ago he gave up his law practice to use all his time in proclaiming the "Kingdom message." These years have been years of tremendous industry. His writings have reached the tremendous circulation of two hundred seventy-nine million, a record unequalled by any publication except the Bible. He is the chief contributor to *The Watchtower*, a semi-monthly periodical, and oversees the activities of the organization from one end of the earth to the other. As a radio speaker of world renown, his voice has on many occasions encircled the earth on the largest radio hookups in history—on one occasion some 163 stations comprised the chain, supplemented by electrical transcription of the speech over 300 stations. Every year about 25,000,000 books and booklets go forth from the headquarters at Brooklyn to all countries, kindreds and climes. Sound cars, sound boats, portable phonographs, radio, and the printed page are thus all used to carry a Bible message



*Defendants' Exhibit D-33*

to all who hunger and thirst after truth and honesty in the treatment of the Scriptures.

All of this tremendous widespread circulation of Biblical matters does not go forth without opposition. Religionists greatly oppose criticism of its doctrines and practices by Jehovah's witnesses. It has by them been challenged to produce its best speaker and debate the issues on the public platform, but has not met the challenge. But they have opposed the work in various ways. In the United States two thousand of Jehovah's witnesses have been subjected to arrest and imprisonment during the past two years. It has been a multiple-law inquisition. Some twenty odd varieties of laws, such as circular-distribution laws, peddling ordinances, offensive-literature laws, vagrancy laws, solicitation ordinances and similar enactments have been used to interdict and suppress the work. In Germany six thousand of Jehovah's witnesses have been thrust into concentration camps and treated with barbaric cruelty. Boycott campaigns against radio stations broadcasting Judge Rutherford's lectures have been initiated. And when other methods have failed, narrowminded religionists have stirred up the mob element to attack and inflict physical violence on these Christian people.

And through it all Jehovah's witnesses go cheerfully on their way, spending their time, their money, and their strength in fulfillment of what to them is a Divine mandate to preach the gospel of the Kingdom to all people.

**Defendants' Exhibit D-34 for Identification**

This exhibit consists of a letter from N. H. Knorr to Olin R. Moyle, dated September 21, 1939, and a letter from Olin R. Moyle to N. H. Knorr, dated September 22, 1939.

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**Defendants' Exhibit D-35 for Identification**

This exhibit is an Application for Pioneer Service made by Mr. Broad.

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**Defendants' Exhibit D-36**

**Brooklyn, N. Y., August 8, 1939**

MINUTES of the joint meeting of the Boards of Directors of THE WATCH TOWER BIBLE AND TRACT SOCIETY of Pennsylvania and of THE WATCHTOWER BIBLE AND TRACT SOCIETY, Inc., of New York.

A joint meeting of the Board of Directors of THE WATCH TOWER BIBLE AND TRACT SOCIETY, the Pennsylvania Corporation, and THE WATCHTOWER BIBLE AND TRACT SOCIETY, Inc., of New York, on this 8th day of August, A.D. 1939, at a meeting of the Boards of Directors of the aforementioned Corporations there were present all the members of the Boards, to wit:



J. F. Rutherford
C. A. Wise
W. E. Van Amburgh
T. J. Sullivan
C. J. Woodworth
H. H. Riemer
F. W. Franz
W. P. Heath, Jr.
Grant Suiter
A. R. Goux
N. H. Knorr

The President reported to the Boards of Directors a letter which he had received, addressed to him by O. R. Moyle who for some time past has acted as legal counsel for the Corporations. Thereupon the letter was read before the Boards, and which letter is marked "Exhibit A" and made a part of this record and filed amongst the papers of this Corporation. Upon the reading of the letter a motion was made by T. J. Sullivan that a committee be appointed to consider the letter and make recommendations to the President. The motion was duly carried. Thereupon the President appointed such a committee composed of T. J. Sullivan, H. H. Riemer, and Grant Suiter. The committee retired to consider the letter. After due consideration the committee unanimously reported a resolution which in words and figures is as follows, to wit:

"AT A JOINT MEETING of the Boards of Directors of the Pennsylvania Corporation, and the New York Corporation of the WATCH TOWER BIBLE & TRACT SOCIETY held at the office of the



Society at Brooklyn, New York this 8th. day of August 1939 at which other members of the family were present, there was read to said Boards and in the presence of O. R. Moyle a letter dated July 21st. 1939 written by said Moyle and addressed to the President of the Society.

"For four years past the writer of that letter has been entrusted with the confidential matters of the Society. It now appears that the writer of that letter, without excuse, libels the family of God at Bethel, and identifies himself as one who speaks evil against the Lord's organization, and who is a murmurer and complainer, even as the Scriptures have foretold. (Jude 4-16; 1 Corinthians 4:3; Romans 14:4.

"The members of the Board of Directors hereby resent the unjust criticism appearing in that letter, disapprove of the writer and his actions and recommends that the President of the Society immediately terminate the relationship of O. R. Moyle to the Society as legal counsel and as a member of the Bethel Family.

"[signed] T. J. SULLIVAN
H. H. RIEMER
GRANT SUITER"

A motion was made that the Resolution be adopted. The motion being duly seconded, the letter and the Resolution were discussed at length by each member of the Board. O. R. Moyle, being also present at this meeting, was invited by the President to make any statement he had to make or any defense he desired to



make and his only statement was this, to wit: "I have nothing more to say. The letter speaks for itself." Thereupon the name of each member of the Board was called and each one voted to adopt the Resolution. Upon the adoption of the Resolution, the President made the following remarks, which are here inserted in the record, to wit:

"I have been at this desk for 22 years. I have had many accusations from the 'evil servant', but never had I had a worse one than this, if as bad. The complaint about me having different places in which to reside is the very language of the evil servant class. The accusations made in this letter that I have many places in which to live, and which are much better than any other members of the organization: The facts concerning this have been published time and again and the brethren everywhere know the facts, and they know that I do not own a foot of land under the sun; that these provisions have been made to further the kingdom interests, and, as stated in the book SALVATION, I wanted something as a tangible record and as evidence that we believe that God is going to bring back to the earth the faithful men of old. The Farm was bought for the support of this family, and for other good reasons which I have not yet disclosed, but which are in the interest of the kingdom. As Brother Knorr has stated, this office was arranged for me, I had nothing to do with arranging it, but it was done by Brothers Martin, Knorr, Wise and Van Amburgh.

"I have been criticized in this letter for having an air-conditioned room. Brother Van Amburgh will bear witness to this, that my office is the hottest room in the building, right under the roof and difficult therein to get good air. An air-conditioned arrangement was put in Brother Van Amburgh's office first, and he is the one that came to me and begged me to put it in my office. The Society did not pay a dime of the cost. (Brother Van Amburgh verified this.) I think the criticism about that is a cold-blooded cruelty, no matter whom it comes from. If it enables me to work, why should somebody criticize except one who has the spirit of the evil servant.

"REBUKES: Every rebuke I have administered has been given, as I believe, in the interest of the Society. The Apostle Paul was the special spokesman for the Lord Jesus Christ. As the WATCHTOWER has stated, Timothy and Titus pictured the Society and as the Lord through Paul instructed them so the Lord through the Society instructs and directs others. The Society speaks by its official Head. To Timothy Paul said: 'They that sin rebuke before all, that others also may fear.' (1 Tim. 5:20) Concerning one who had taken a wrongful course Paul instructed Titus in these words: 'This witness is true, wherefore rebuke them sharply that they may be sound in the faith.' (Titus 1:13) Again he said: 'These things speak, and exhort, and rebuke with all authority. Let no man despise thee.' (Titus 2:15) As I have often stated to some of the brethren, it hurts me far more to administer a rebuke than it does the one who receives it. If I see something in the organization going wrong, as I believe, then I would be unfaithful to the Lord if I did not rebuke such wrongdoer.

"I have tried to proceed according to the rule announced by the apostle, which is God's rule, that is to say: 'Whom the Lord loves he rebukes. (Heb. 12:6) If every person is permitted to take his own course the organization would go to pieces. One who believes in the Theocratic government, and that Jehovah therefore is directing his people, must see that it is the proper course for the Society to arrange a system of study. Then if every person should be permitted to bring forth and adopt his own method of study that would mean acting contrary to the Lord's instructions. Rebukes are therefore necessary to bring such matters to the attention of others that they too may fear to go contrary to the Lord's arrangement.

"DISCRIMINATION: I have made no discrimination with reference to marriage. When Bonnie Boyd got married that was her business. It was my business to determine whether or not she should remain in the home. I either had to let her husband remain here or else dispense with her services. She has been my secretary for fifteen years and the most efficient one that I have had in the office. She has taken dictation for everything I have written, speeches, magazine articles, Watchtower, books and booklets. It was for me to determine whether she should remain in the office and I did determine that she should and that was my affair and my responsibility, and not that of someone else.

"FILTHY LANGUAGE: If others in this house

use it, that is their responsibility. The statement that filthy jokes are told at the table and that the family laughs at these and these only, is a damnable outrage and any man who says that such is the case is a deliberate liar regardless of who he is and from whence he comes.

"Liquor: This charge is vicious. I have always been open and aboveboard about such matter. Brother Van Amburgh was once a prohibitionist. Upon the doctor's advice he takes some intoxicating liquor and I help him to get it. Brother Wise has stated that from three doctors he has been advised to drink beer. I have furnished liquor to Brother and Sister Sullivan, especially her when she was ill, and to others in the house. That is my business and my responsibility. (Speaking directly to Moyle) You denounce me as the 'god of wine', which is the meaning of Bacchus, which is the word you use. You had to go to mythology and not to the Scriptures and find this name for me. Mythology proceeds from the Devil and other wicked spirits. Jesus made wine, the apostle advised that it be taken in moderation and you are welcome to compare their statements to that of the evil spirits, if you wish. If your statement is not of the evil servant then I am not able to understand it. In this connection your charge against the family is vicious and false and shows that it proceeds from the spirit of the wicked one and is a damnable thing.

"Now I say this to you, Moyle, you have allied yourself with the Devil; you have willingly, without any just cause or excuse even, withdrawn yourself from the Lord's organization, and you are going back to the Devil's organization to



engage in the practice of law. I have never known any man to withdraw from the Lord's organization and go into the Devil's organization, that ended up right. When you say you want to continue to fight for the Lord, there is not a person in this presence that believes a word of that. Henceforth you shall never represent the Watchtower by my consent. This Resolution has been adopted. I shall follow it. You have served notice to leave September 1. You need not wait but move out of the house this day. If you wish to join the enemy and fight, do so. I have no use for a quitter. I am sure the Lord God has no use for a quitter. You are a quitter. You have furnished as an excuse that the president of this organization has not conducted the Society according to your ideas, and I don't think your ideas are Scriptural. In the 4 years that you have been here, I have never heard you ask or answer a single Bible question in the Bethel home. Any man that pretends to be of the Lord's organization, and who does not attend the studies and does not engage in the spiritual discussion in this home, but who devotes himself to his general work, and then goes about talking with others to cause discord and to find fault with the organization, cannot be in the truth. I shall read this letter to the family or have it read. You may be present; if you wish to defend yourself. Henceforth I shall expect you to ally yourself with those who oppose the Society as long as I am here."

MOYLE: "I don't expect to ally myself with any opposition."

BRO. RUTHERFORD: "You complain about ac-



commodations. You have the best room in the house aside from my own. What business is it of yours what somebody else has? That is not your business. You have gone to the Farm and talked with Brother Bogard's wife about conditions there. That is none of your business. If there was anything wrong there you should have reported it to me. You have never reported it to me. If you were a real confidential servant of the Lord, and of this Society, you would have reported such things, but you did not.

"Quoting from the Apostle Paul in substance, your criticism of me is a small thing. I care nothing about that. The apostle said: 'Moreover it is required in stewards that a man be faithful, but with me it is a very small thing that I should be judged of you, or of man's judgment. . . . He that judgeth me is the Lord.'—1 Cor. 4:3, 4.

"If everything that you have stated in this letter were true, that is no excuse for what you have done. 'Who art thou that judgeth another man's servant? To his own master he standeth or falleth.'—Romans 14:4.

"Your difficulty, Moyle, is fear, probably not that you might receive some bodily injury, but fear you won't be approved of men and have it said that you are a good fellow. In my opinion you are a religionist and not a Christian."

BROTHER HEATH: "Moyle, I wish to propound to you this question: Are you a Jesuit?"

MOYLE: "Absolutely no, a thousand miles from it."

BROTHER RUTHERFORD: "You might explain, Moyle, why you were so familiar in the court



with McDonald, patting him on the back, when you knew that he was one of the leaders in the assault on the Lord's organization at Madison Square Garden. Had you performed your duty to our brethren the situation would have been far better for us now in the fight with the enemy who attempted to break up the Madison Square Garden meeting.

"TO THE BOARD OF DIRECTORS: Now, brethren, your advice and this Resolution is adopted and will be carried out."

The President thereupon ordered that said Moyle should be discharged as legal counsel for the Corporation and, in harmony with the Resolution, immediately terminated his relationship to the Society.

There being no further business, upon motion the joint meeting adjourned.

W. E. VAN AMBURGH
Sec'y



**Defendants' Exhibit D-37 for Identification**

This exhibit is the Minutes of Meeting of Board of Directors of April 18, 1928.

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**Defendants' Exhibit D-38 for Identification**

This exhibit is the Minutes of Meeting of Board of Directors of June 11, 1930.

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**Defendants' Exhibit D-39 for Identification**

This exhibit is a letter from J. F. Rutherford to Joseph Wheless, dated August 6, 1940, with a check attached.

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**Defendants' Exhibit D-40 for Identification**

This exhibit is a letter from J. F. Rutherford to Joseph Wheless, dated July 7, 1939.



**Opinion on Motion for a Directed Verdict**

[Excerpt from NEW YORK LAW JOURNAL, Thursday June 24, 1943, page 2468:]

[KINGS COUNTY, NEW YORK]
SUPREME COURT—TRIAL TERM
PART XIV.

By Mr. Justice UGHETTA.

Moyle v. Franz—Two motions. In this action to recover damages for libel, the court submitted the conflicting issues of fact to the jury. Later, the jury resolved those questions in favor of the plaintiff and brought in a verdict on both causes of action in the complaint, each in the amount of $15,000. Upon the rendition of the verdict, defendants moved to set it aside as contrary to the evidence and contrary to the law. That motion was denied. Defendants now move to set aside the verdict of the jury and for a directed verdict pursuant to section 457-a of the Civil Practice Act.

After a careful reconsideration of the evidence and the detailed briefs of counsel, the court is satisfied that there was sufficient evidence adduced at the trial to support the jury's verdict in favor of the plaintiff on both causes of action. Defendants' motion is accordingly denied.

Plaintiff also makes application for an additional allowance under section 1513 of the Civil Practice Act. The power to grant such an allowance in a "difficult and extraordinary" case, where a defense has been interposed, is discretionary with the court. The terms "difficult and extraordinary" must be given their usual

*Opinion on Motion for a Directed Verdict*

and accepted meaning (Standard Trust Co. v. N. Y. C. & H. RR., 178 N. Y. 407). It has been held that an extra allowance will not be granted in an ordinary action for libel, wherein the answer sets up a defense of privilege, justification and mitigation, the rules governing which are simple and elementary, although defendant expended large sums of money in investigating the past life of plaintiff seeking matter to plead in justification (Venner v. Belmont, 158 App. Div. 899, 2d Department). Nor does the length of time that the trial consumed render the case difficult and extraordinary (O'Connell v. Westinghouse X-Ray Co., Inc., 16 N. Y. Supp. 2d 54; reversed on other grounds in 261 App. Div. 8; 11 Carmody p. 211). While it is true that the present action did not take fourteen court days to try and that a large number of witnesses were examined and cross-examined, the court is of the opinion that the case was not "difficult and extraordinary," within the purview of the foregoing pertinent authorities construing section 1513 of the Civil Practice Act.

Plaintiff's motion is, therefore, denied.



**Stipulation as to Exhibits**

NEW YORK SUPREME COURT

APPELLATE DIVISION—SECOND DEPARTMENT

OLIN R. MOYLE,
*Plaintiff-Respondent,*

*against*

FRED W. FRANZ, NATHAN H. KNORR, GRANT SUITER, THOMAS J. SULLIVAN, WILLIAM P. HEATH, JR., HUGO H. RIEMER, WILLIAM E. VAN AMBURGH, ARTHUR R. GOUX, CHARLES A. WISE, CLAYTON J. WOODWORTH, MATTHEW A. HOWLETT, WATCH TOWER BIBLE & TRACT SOCIETY, a Pennsylvania corporation, and WATCHTOWER BIBLE AND TRACT SOCIETY, INC., a New York membership corporation,

*Defendants-Appellants.*

IT IS HEREBY STIPULATED AND AGREED that the following exhibits which were marked in evidence on the trial of this action, be and the same are hereby omitted from the printed record and that a statement describing them be printed in lieu thereof:

Plaintiff's Exhibit 9—Photograph of Bethel.

Plaintiff's Exhibit 12—Photograph of the printing plant of the Watch Tower Bible & Tract Society at Adams Street, Brooklyn.

Plaintiff's Exhibit 13—Letter from the Watchtower Bible & Tract Society, Inc., of Brooklyn to Olin R. Moyle, dated November 20, 1939.



*Stipulation as to Exhibits*

Defendants' Exhibit C—Letter from H. Fink to J. F. Rutherford, dated September 25, 1940.

Defendants' Exhibit D-3—Circular entitled "God is Not the Author of Confusion".

Defendants' Exhibit D-4—Envelope in which was contained a document similar to Defendants' Exhibit D-3.

Defendants' Exhibit D-13—Envelope containing three printed leaflets and two printed pamphlets, all sent to addressee Attorney Clarence Scott, Old Town, Maine.

Defendants' Exhibit D-15—Charter of the Watchtower Bible and Tract Society, Inc., a New York corporation.

Defendants' Exhibit D-30—Paper containing Resolution signed T. J. Sullivan, H. H. Riemer, Grant Suiter.

IT IS FURTHER STIPULATED AND AGREED that the original of these exhibits may be referred to orally and in the briefs and handed up on the argument of this appeal with the same force and effect as though incorporated herein.

Dated, October , 1943.

HAYDEN C. COVINGTON,
Attorney for Defendants-Appellants.

WALTER BRUCHHAUSEN,
Attorney for Plaintiff-Respondent.



**Statement that Case Contains All the Evidence**

The foregoing contains all the evidence, exceptions and proceedings had and taken on the trial of this action.

**Affidavit of No Other Opinion**

State of New York, }
County of Kings, } ss.:

HAYDEN COVINGTON, being duly sworn, deposes and says that he is the attorney for the defendants-appellants herein; that he is familiar with all the proceedings had in this action; and that no other opinion has been rendered by the Court below in this case, except that which is printed on pages 1986-1987, *supra*.

HAYDEN COVINGTON.

Sworn to before me this }
day of October, 1943. }

WILLIAM K. JACKSON,
Notary Public,
Kings County.



**Stipulation and Order Settling and Filing Case**

IT IS HEREBY STIPULATED that the foregoing case contains all the evidence given upon the trial of this action and that the same be settled and ordered on file and annexed to the judgment roll herein on file in the office of the Clerk of the County of Kings.

Dated, New York, October , 1943.

HAYDEN COVINGTON,
Attorney for Defendants-Appellants.

WALTER BRUCHHAUSEN,
Attorney for Plaintiff-Respondent.

Upon the above stipulation, the foregoing case on appeal containing all the evidence is hereby settled and ordered on file and annexed to the judgment roll on file in the office of the Clerk of the County of Kings.

Dated, New York, October , 1943.

HENRY L. UGHETTA,
J. S. C.



**Stipulation Waiving Certification**

IT IS HEREBY STIPULATED, pursuant to Section 170 of the Civil Practice Act, that the foregoing consists of true and correct copies of the notice of appeal, the judgment roll and case and exceptions as settled, and the whole thereof, now on file in the office of the Clerk of the County of Kings, and certification thereof pursuant to Section 616 of the Civil Practice Act or otherwise is hereby waived.

Dated, New York, October , 1943.

HAYDEN COVINGTON,
Attorney for Defendants-Appellants.

WALTER BRUCHHAUSEN,
Attorney for Plaintiff-Respondent.

**Order Filing Case in Appellate Division**

Pursuant to Section 616 of the Civil Practice Act, the foregoing printed case is ordered on file in the office of the Clerk of the Appellate Division of the Supreme Court, Second Department.

Dated, New York, October , 1943.

HENRY L. UGHETTA,
J. S. C.